

ADMINISTRATIVE PANEL DECISION

Bal du Moulin Rouge v. Agustin Cortes
Case No. D2025-3687

1. The Parties

The Complainant is Bal du Moulin Rouge, France, represented by CASALONGA, France.

The Respondent is Agustin Cortes, United States of America ("Unites States").

2. The Domain Name and Registrar

The disputed domain name <moulinrougebroadway.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 11, 2025. On September 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 12, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 16, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 17, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 9, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on October 14, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant was created in 1889 and, since then, has become a celebrated Parisian cabaret.

Presently, the Complainant operates as a theater for dance parties, entertainment, and receptions and offers its services and facilities to groups, companies and individuals, having become a touristic attraction in Paris, offering musical dance entertainment for visitors from around the world.

The Complainant's official website is available at <moulinrouge.fr>, as well as is the owner of the following, amongst other, trademark registrations:

- European Union trademark registration No. 000110437, for the word mark MOULIN ROUGE, filed on April 1, 1996, registered on November 5, 1998, subsequently renewed, in classes 3, 14, 18, 25, 32, 33 and 41;
- International trademark registration No. 613199, for the word mark MOULIN ROUGE, filed on February 2, 1994, subsequently renewed, in class 33; and
- United States Trademark Registration No. 75808546, for the word mark MOULIN ROUGE, registered on December 31, 2002, subsequently renewed, in class 41.

Past UDRP panels have found the Complainant's MOULIN ROUGE trademark to be a "famous trademark" *Bal du Moulin Rouge v. Name Redacted*, WIPO Case No. [D2024-2177](#); also acclaiming the "undisputed fame of Complainant's MOULIN ROUGE trademark" (*Bal du Moulin Rouge v. David Millar*, WIPO Case No. [D2024-0877](#)).

A stage production entitled "Moulin Rouge! The Musical" has been continuously performed on Broadway at the Al Hirschfeld Theatre since July 2019, also having been staged in London, Melbourne, Tokyo, and Cologne.

The disputed domain name was registered on June 28, 2023, and presently does not resolve to an active webpage.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant asserts to be the oldest, most sophisticated Parisian cabaret, and one of the most famous and legendary cabarets in the world, immortalized by the painter Henri de Toulouse-Lautrec; also having inspired dozens of movies that have contributed to the worldwide renown of the cabaret and having the Moulin Rouge show been seen by millions of spectators.

The Complainant further asserts to be the owner of the world-famous French trademark MOULIN ROUGE, which has been in use continuously in France in connection with its famous cabaret since 1889, and which has become the leading permanent cabaret/music-hall venue in the minds of individuals all around the world according to a worldwide awareness and image assessment quantitative survey conducted in June 2018 (Annex 11 to the Amended Complaint).

Also, according to the Complainant, the disputed domain name is confusingly similar to the Complainant's trademark, differing only by the addition of the word "broadway", which directly refers to the world of musical theatre and live performances, which are at the very core of the Complainant's activities.

Furthermore, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name given that:

- (i) the Complainant has no relationship whatsoever with the Respondent;
- (ii) no license, permission nor authorization to use the wording MOULIN ROUGE was ever granted to the Respondent by the Complainant;
- (iii) the Respondent could not have been in anyway known by the disputed domain name and has no legitimate interest in respect of the disputed domain name; and
- (iv) the Respondent is not able to provide any evidence of demonstrable preparation to use the disputed domain name in connection with a bona fide offering of goods or services, resolving the disputed domain name to an inactive page.

Moreover, the Complainant points out that the disputed domain name incorporates the Complainant's well-known MOULIN ROUGE trademark, there being no doubt that the Respondent knew or should have known about the existence of the Complainant's trademark what is reinforced by the selection of the disputed domain name which includes the term "broadway" that directly refers to the Complainant's internationally acclaimed stage production "Moulin Rouge! The Musical" performed on Broadway, what clearly demonstrates that the Respondent was aware of the Complainant's trademark and activities. Lastly, the present passive holding of the disputed domain name is further indicative of the Respondent's bad faith registration and use of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other term ("broadway") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain name. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent that the Respondent has not been commonly known by the disputed domain name, and neither there is any relationship between the Complainant and the Respondent.

Also, the absence of any indication that the Respondent has rights in a term corresponding to the disputed domain name, or any possible link between the Respondent and the Complainant that could be inferred from the details known of the Respondent or a webpage relating to the disputed domain name (in this case not resolving to an active webpage), corroborate with the Panel's finding of the absence of rights or legitimate interests.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel notes the composition of the disputed domain name, where the Respondent is reproducing the Complainant's trademark followed by the term "broadway" which is connected to the Complainant's business (as described above). The Panel finds that the Respondent registered the disputed domain name in bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <moulinrougebroadway.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: October 23, 2025