

ADMINISTRATIVE PANEL DECISION

Atelier De Production Et De Creation v. Lee Tie
Case No. D2025-3698

1. The Parties

The Complainant is Atelier De Production Et De Creation, France, represented by CASALONGA, France.

The Respondent is Lee Tie, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <apc-usa.shop> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 11, 2025. On September 12, 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 (Redacted for Privacy Purposes Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 15, 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 18, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2025.

The Center appointed Jon Lang as the sole panelist in this matter on November 5, 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 is the owner of the A.P.C. trademark, which has been in use continuously in France and worldwide in connection with clothing, bags and accessories since 2005. A.P.C. is an initialism for “Atelier de Production et de Création”. Its original creations are sold all around the world in its A.P.C. stores. The Complainant is present throughout the world with more than 80 of its own stores in Paris, New York, Los Angeles, London, Sydney, Hong Kong, China, Berlin, Copenhagen and Tokyo, and it also has 300 points of sale in multi-brand stores.

The Complainant is the registered owner of numerous trademark registrations for A.P.C. including:

- French trademark registration No. 053370130 registered on July 12, 2005;
- European trademark registration No. 006843205 registered on September 22, 2009;
- Japanese trademark registration No. 5375437 registered on December 10, 2010;
- United States trademark registration No. 3552488 registered on October 30, 2008; and
- International trademark registration No. 1099666, designating China, the United States and the Republic of Korea, filed and registered on September 21, 2011 (the “A.P.C. Trademarks”).

The Complainant has been operating a web portal located at “www.apc.fr” for over 26 years and is also the owner of several other domain names which include the A.P.C. trademark:

<apc-us.com> registered on November 14, 2017;
<apc-outlet.com>, registered on July 13, 2018;
<apcstore.co.uk> registered on January 4, 2020; and
<apcstore.de> registered on January 4, 2020.

The disputed domain name <apc-usa.shop> (the “Domain Name”) was registered on February 8, 2025. It resolves to a website (the “Respondent’s website”) that reproduces the Complainant’s website characteristics, trademark and product images and appears to sell counterfeit A.P.C. products.

The Respondent used a privacy service when registering the Domain Name.

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 Domain Name. A brief summary of its main contentions is as follows:

Trademark rights and confusing similarity:

The Complainant is the registered owner of numerous trademark registrations for A.P.C. and makes significant investments in the promotion of its products, and has a strong and widely recognized reputation around the world.

The Complainant benefits from a substantial online presence, including on major social media platforms, further strengthening its visibility and consumer recognition. It is widely promoted by the press and is well known for its interactions with artists and designers with whom it collaborates to create capsule collections that are regularly displayed on its website.

The Domain Name reproduces entirely the verbal elements of the A.P.C. trademark and is identical or almost identical to the A.P.C. Trademarks. The Top-Level Domain (“TLD”) suffix “.shop” is not of distinguishing effect but in any event, the extension “.shop” will only increase the confusing similarity given that Internet users could be led to believe that the Domain Name corresponds to the online shop of the Complainant dedicated to the United States market. The fact that the Domain Name does not contain the “dot” punctuation character (“.”) after each letter of the Complainant’s trademark constitutes a very minor difference which does not reduce the likelihood of confusion between the Domain Name and the A.P.C. trademark. Indeed, the Complainant has been using domain names without dots for its online store.

The addition of the word “USA”, an abbreviation for the United States of America, combined with the gTLD “.shop” increases the likelihood of confusion among Internet users. Such users may be led to believe that the Respondent’s website is an official site operated, directly or indirectly, by the Complainant. Such a likelihood of confusion is increased by the reproduction of the A.P.C. Trademarks on the Respondent’s website selling counterfeit A.P.C clothes and bags.

Moreover, the likelihood of confusion between the Complainant’s trademarks and the Domain Name is enhanced by the well-known character of the A.P.C. trademark in the field of clothing and accessories.

Rights or legitimate interests:

The Respondent has no rights or legitimate interests in the Domain Name.

The Complainant has no relationship whatsoever with the Respondent. The Respondent’s website reproduces the Complainant’s pictures, trademark and products and a fake A.P.C. outlet online store. The content is highly similar to the Complainant’s website. The use of the Domain Name for illegal activity (i.e., the sale of counterfeit goods) does not constitute a bona fide offering of goods and services, nor a legitimate noncommercial or fair use.

The Respondent’s use of the Domain Name cannot be considered fair use as it misleadingly diverts consumers searching for the Complainant’s products and services. The addition of the term “usa” in the Domain Name suggests that the Respondent’s website is the American version of the Complainant’s website and thus raises the expectation among Internet users that the Respondent is either part of the Complainant’s group of companies or is at least affiliated in some way with the Complainant. It is likely therefore that Internet users, believing that they are accessing an official/authorized website, will buy what they assume are genuine products, but which are in fact counterfeit, which will be highly detrimental to the Complainant and its reputation.

The only reason for the Respondent registering the Domain Name was to capitalize on the Complainant’s goodwill by redirecting Internet traffic intended for the Complainant. Such use cannot constitute a bona fide or legitimate use of the Domain Name.

The Domain Name does not include the name of the Respondent or a name that is otherwise commonly used to identify the Respondent. Nothing in the publicly available records indicate that the Respondent is or has been commonly known by the Domain Name. A reverse Whois search revealed that three domain names are linked to the Respondent’s name, none of which contain the term “APC”. The Respondent is not commonly known by the Domain Name and has acquired no trademark or service mark rights relating to the term “APC”.

Bad faith:

The Complainant asserts that the Respondent registered and is using the Domain Name in bad faith.

The A.P.C. Trademarks are well known and have been extensively used in the field of clothing, bags and accessories in France and elsewhere, and in particular in the United States. They were registered long before the Domain Name was registered. The Complainant has never authorized, licensed or otherwise consented to the Respondent's use of its trademarks or any confusingly similar variation thereof, for any purpose, including as part of a domain name.

The Respondent knew or should have known about the existence of the Complainant's trademarks, particularly given that it has used the Domain Name for a webpage selling counterfeit A.P.C. products and reproducing the Complainant's trademarks. The Complainant has a presence throughout the world, and its trademarks are famous and registered in a large number of countries. The Domain Name was clearly intended to identify and target the Complainant in order to unduly benefit from the reputation of its trademarks, without any authorization or license from the Complainant.

The Respondent has taken unfair advantage of the efforts and investments made by the Complainant, over decades, to promote its apparel and bag collections under the A.P.C. trademark, which is well known throughout the world.

Internet users may well believe that the Domain Name is linked to the Complainant's official website and expect to find information relating to the Complainant or information/product/services related to genuine A.P.C. products. Instead, the Respondent's website sells counterfeit A.P.C. clothes, bags and accessories (and reproduces the A.P.C. Trademarks). Such use is harmful to the Complainant's image and intellectual property, is deceptive, and clearly indicates bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires a complainant to prove: (i) that a respondent has registered a domain name which is identical or confusingly similar to a trademark or service mark in which a complainant has rights; (ii) that the respondent has no rights or legitimate interests in respect of the domain name; (iii) that the domain name has been registered and is being used in bad faith. A complainant must prove each of these three elements to succeed.

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 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 entirety of the mark is reproduced within the Domain Name. Accordingly, the 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 terms within the Domain Name, here, “usa” which follows the Complainant’s trademark omitting the dots, “apc” (but separated by a hyphen), may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the Domain Name and the A.P.C. trademark for the purposes of the Policy. As section 1.8 of the [WIPO Overview 3.0](#) makes clear, “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

For the purposes of comparison, the generic TLD “.shop” may be ignored. [WIPO Overview 3.0](#), section 1.11.

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.

A respondent can show it has rights to or legitimate interests in a domain name in various ways even where, as is the case here, it is not licensed by or affiliated with a complainant. For instance, it can show that it has been commonly known by the domain name or that it is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Here, however, the Respondent is not commonly known by the Domain Name and given the nature of the website to which the Domain Name resolves as described earlier i.e., a copy-cat website apparently selling counterfeit products, it cannot be said that there is legitimate noncommercial use. As to an absence of an intent to mislead (for commercial gain), the Respondent’s choice of the Domain Name, a key element of which is the A.P.C. trademark with the addition of a geographic term denoting the United States that could readily be associated with the Complainant given its presence there, and the generic TLD “.shop” indicating that any website to which the Domain Name points will be an online store or a platform for selling products, suggests the very opposite. In these circumstances, use of the Domain Name could not be regarded as fair either.

A respondent can also show that it is using a domain name in connection with a bona fide offering of goods or services. However, it seems clear that the Respondent set out to acquire a domain name that would create a misleading impression of association with the Complainant, which has then been used to resolve to a website purportedly selling A.P.C. products. The Complainant claims the products sold on the Respondent’s website are counterfeit, a claim to which the Respondent has not responded. Even if the Respondent’s website offers to sell genuine A.P.C. products, there is no prominent and accurate disclaimer regarding the relationship between the Parties on the Respondent’s website. In these circumstances, it would be difficult to accept that such use could amount to a bona fide offering of goods or services for the purposes of the Policy.

Panels have held that the use of a domain name for illegitimate activity, e.g., the sale of counterfeit goods or impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#),

section 2.13.1.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's prima facie case and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, or indeed any evidence at all.

In all the circumstances, the Panel finds that the Complainant has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used 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 Respondent must have been aware of the Complainant and its A.P.C. trademark at the time of registration of the Domain Name given its formulation and use.

One way a complainant may demonstrate bad faith registration and use (as set out in paragraph 4(b)) is to show that a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of its website or of products or services on it (paragraph 4(b)(iv) of the Policy). The purpose behind registration of the confusingly similar Domain Name appears to have been to attract Internet users to the Respondent's website on which it misuses the Complainant's A.P.C. trademark to apparently sell inauthentic A.P.C. products for commercial gain. In other words, the very circumstances envisaged above.

Moreover, panels have held that the use of a domain name for illegitimate activity, e.g., the sale of counterfeit goods or impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel finds that, for the purposes of the Policy, there is evidence of both registration and use of the Domain Name in bad faith and that therefore the third element of the Policy has been established.

7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <apc-usa.shop> be transferred to the Complainant.

/Jon Lang/

Jon Lang

Sole Panelist

Date: November 19, 2025