

ADMINISTRATIVE PANEL DECISION

Cerba Healthcare v. Benoit Cerballiance

Case No. D2025-3816

1. The Parties

The Complainant is Cerba Healthcare, France, represented by Domgate, France.

The Respondent is Benoit Cerballiance, France.

2. The Domain Name and Registrar

The disputed domain name <sarl-cerballiance.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2025. On September 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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 / Whois Privacy Protection Foundation) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 25, 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 22, 2025.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on October 27, 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 CERBA HEALTHCARE, a French company founded in 1967 as a reference lab and operating in the specialized biology market in France and over the world. It is one of the European leaders in specialized medical biology. In 2016, CERBA HEALTHCARE created an important network of laboratories called "CERBALLIANCE". This network brings together over 600 laboratories in France and Europe (Belgium, Luxembourg, Italy).

The Complainant is the owner of several trade marks for CERBALLIANCE, including:

- French trade mark CERBALLIANCE No. 4213826 registered on January 22, 2016;
- International trade mark CERBALLIANCE No. 1316808, registered on March 9, 2016.

The disputed domain name <sarl-cerballiance.com> was registered on July 8, 2025.

At the time of the present decision, the disputed domain name resolves to an error page. According to the Complainant, it previously first redirected to a 404 error page, then to a webpage with pay-per-click ("PPC") links.

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 contends that the disputed domain name <sarl-cerballiance.com> is similar to its earlier trade mark CERBALLIANCE to the point of creating confusion. Indeed, the Complainant contends that the disputed domain name comprises its registered and well-known trade mark CERBALLIANCE, combined with the generic French term "SARL", which denotes a specific type of company structure and the generic extension .com.

Then, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name. The Complainant asserts that the Respondent did not reply to the cease-and-desist letter sent on July 16, 2025, by the Complainant's representative. This confirms the lack of rights or legitimate interest and the bad faith of the Respondent. The Complainant contends also that it has never licensed or authorized the Respondent to use its trade mark CERBALLIANCE in any way, and that the Respondent is not known under the name CERBALLIANCE.

Third, the Complainant claims that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent could not ignore the existence of the network and trade marks CERBALLIANCE, when he configured and registered the disputed domain name. Indeed, the choice of a domain name containing the trade mark CERBALLIANCE and the initials SARL is relevant as the Respondent picked up a trade mark he perfectly knew, and added a French generic term corresponding to the legal form of a French company. The Complainant also contends that the disputed domain name first resolved to an error 404 Webador page which can be considered as passive holding and does not exclude a finding of bad faith, and later resolved to a website containing PPC ads generating revenue for the

Respondent. Therefore, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website.

B. Respondent

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

6. Discussion and Findings

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 trade mark 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 trade mark 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 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 terms, here "sarl" (a French acronym corresponding to a French company legal form "Société A Responsabilité Limitée") 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.

Also, the Panel notes that the composition of the disputed domain name, which associates the Complainant's trade mark and the indication of a legal form of a company, entails a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. This reinforces the strong presumption of lack of rights or legitimate interests of the Respondent over the disputed domain name.

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.

In this case, the Complaint succeeds, both on the claim of the bad faith passive holding, and that of illegitimate activity, namely pay per click based on the likelihood of confusion with the Complainant's trade mark.

First, 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 or reputation of the Complainant's trade mark, 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.

This strong presumption is reinforced by the fact that the Respondent has an address which corresponds, in fact to that of one of the numerous laboratories held by the Complainant.

Second, Panels have held that the use of a domain name containing PPC advertising related to a complainant's trademark, constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. In the present case, the Panel notes that the disputed domain name <sarl-cerballiance.com> used to redirect to a page offering PPC links for which the Respondent most likely received some commercial gains. The Panel notes that such links also corresponded to the websites of direct competitors of the Complainant. The Panel finds that the Respondent used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

Therefore, 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 <sarl-cerballiance.com> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: November 10, 2025