ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Arsene v. chao shen
Case No. D2025-3850

1. The Parties

The Complainant is Arsene, France, represented by CLEACH AVOCATS, France.

The Respondent is chao shen, China.

2. The Domain Name and Registrar

The disputed domain name <arsene.xyz> 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 22, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 (Domains By Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 25, 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 the same date.

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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 22, 2025.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on October 28, 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 carries on business as a law firm under the ARSENE name, headquartered in Paris, France. The firm was founded nearly 20 years ago, and it now has more than 100 lawyers, specializing in tax matters and related issues. The firm has developed an international reputation in its field, and provides services to international clients through its membership in Taxand, a network of law firms with similar expertise. The Complainant has recently been recognized as a top-ranked firm in legal publications such as "Chambers", "The Best Lawyers" and "Legal 500".

The Complainant is the licensee of Societe Civile Phoenix, a French company which owns the ARSENE trademark, in a number of jurisdictions. Examples of registered rights include: French registration No. 3263433, dated March 2, 2007 in classes 35, 36 and 46; and United Kingdom registration no. UK00918004249, dated May 17, 2019, in classes 35, 36 and 45. The Complainant also owns more than 10 ARSENE-formative domain names including <arsene-avocats.com> registered December 22, 2003, and <arsene.fr> registered September 30, 2010.

The disputed domain name was registered on August 26, 2025, and it resolves to a parking page where it is offered for sale in the amount of USD 5888.

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 its ARSENE trademark is distinctive and well-known in France and internationally, with registrations in a number of jurisdictions. As a result, Respondent must have been aware of the Complainant's trademark rights when the disputed domain name was registered. The Complainant has identified a recent cybersquatting case where the Respondent was found to have misappropriated the trademark of a well-known British law firm (see *Freeths LLP v. Chao Shen,* WIPO Case No. D2025-2650). In the absence of any response from the Respondent, the Complainant urges the Panel to find deliberate targeting of the well-known mark for improper purposes.

B. Respondent

The Respondent did not reply to the Complainant's contentions, or to its cease-and-desist letter.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

(i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the Complainant has rights;

(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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

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. In particular, the Complainant has presented evidence of the reputation it has garnered for the ARSENE brand, and has put forward cogent evidence and submissions that the Respondent has not been commonly known under the ARSENE name, nor has it ever been licensed or otherwise authorized to register or use the mark. 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 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 matter the Panel has regard to the following factors which support a finding of bad faith:

- the Complainant has used its mark for more than 20 years before the registration of the disputed domain name;
- the ARSENE trademark has acquired a significant reputation in the field of tax law as a top-ranked firm that participates in an international platform called TAXEND;
- the Respondent has taken steps to conceal its identity; and
- as noted above, the Respondent has recently engaged in a prior cybersquatting case in similar circumstances, namely the misappropriation of the name of a well-known British law firm, using the .xyz gTLD in combination with the brand.

Panels have found that the non-use of a domain name (including a blank page) 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 well-established reputation of the Complainant's trademark, and the composition of the disputed domain name (namely the exact reproduction of the ARSENE mark), 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. Additionally, the Panel notes that the disputed domain name has been offered for sale, which in the circumstances of this case, particularly considering that the Respondent registered another domain name targeting a law firm, affirms the Panel's finding of bad faith under the Policy. WIPO Overview 3.0, section 3.1

For these reasons, 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 <arsene.xyz> be transferred to the Complainant.

/Christopher J. Pibus/
Christopher J. Pibus
Sole Panelist
Date: November 7 2025