

## **ADMINISTRATIVE PANEL DECISION**

Jardiland v. Louis Malyn, Destock  
Case No. D2025-3916

### **1. The Parties**

The Complainant is Jardiland, France, represented by Fidal, France.

The Respondent is Louis Malyn, Destock, France.

### **2. The Domain Name and Registrar**

The disputed domain name <jardin-land.com> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 25, 2025. On September 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 26, 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 (No information provided) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 29, 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 October 1, 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 October 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 23, 2025.

The Center appointed William Lobelson 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 Jardiland, a French-based retailer specialized in gardening products, that has been operating primarily in France since 1973, now runs 180 stores as well as an online store and reached a turnover of EUR 900 million in 2025.

The Complainant owns the following trademarks:

“JARDILAND” (wordmark) - International Reg. No. 1268138 of April 14, 2015

“JARDILAND” (device mark) - International Reg. No. 1627350 of June 2, 2021

“JARDILAND, CULTIVEZ VOTRE BIEN-ÊTRE” - French Reg. No. 4118715 of January 7, 2015

The Complainant also owns the domain name <jardiland.com>, registered on January 12, 2000, that resolves to its institutional and online-shopping website.

The disputed domain name is <jardin-land.com>, registered on July 5, 2025.

Before the filing of the present Complaint, the disputed domain name was routed to a web site, drafted in French language, dedicated to the online sale of gardening products. The brand “Jardinland” was exhibited on the web site, associated with the catchphrase “cultivez votre bien-être”, in a typeface that is very close to the Complainant’s (although in a different colour).

The Complainant has shown that it owns a trademark registration for JARDILAND, CULTIVEZ VOTRE BIEN-ÊTRE and that it exploits the same on its own web site.

The Complainant has also shown that the Respondent was making use of the same favicon as the Complainant’s, on its web site and Google search result hits and also exhibited on its web site an e-mail address “[...]@jardin-land.com”.

The Complainant alerted the disputed domain name’s Registrar of the situation on August 25, 2025, which turned to the Respondent to give it the opportunity to justify itself. In the absence of any response, on September 9, 2025, the Registrar deactivated the redirection of the disputed domain name which, therefore, at the date when the Complaint was filed, did no longer resolve to any web site.

#### **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 is confusingly similar to its earlier trademark, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and used in bad faith.

The Complainant puts the emphasis on the fact that the disputed domain name was used in relation to an impersonating web page, imitating the Complainant’s trademark and reproducing its catchphrase and favicon.

##### **B. Respondent**

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

## 6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainant to make out its case in all respects under the Rules set out in paragraph 4(a) of the Policy. Namely, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (paragraph 4(a)(i));
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name (paragraph 4(a)(ii)); and
- (iii) the disputed domain name has been registered and is being used in bad faith (paragraph 4(a)(iii)).

### 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 Complainant's mark is JARDILAND, while the disputed domain name is <jardin-land.com>.

The Complainant's mark associates "jardi", regarded as an abbreviation of the French "jardin" (garden) and "land".

The disputed domain name is formed with the association of the French name "jardin" (garden) and "land".

There is only one letter of difference between the Complainant's mark and the disputed domain name, which is not sufficient to cast away the confusing similarity, as the disputed domain name contains sufficiently recognizable aspects of the Complainant's mark.

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.

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 particularly by asserting that the Respondent is not affiliated with it in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name. The Complainant contends that the Respondent does not make any bona fide or legitimate noncommercial fair use of the disputed domain name.

In addition, the disputed domain name was used in connection with a fraudulent website that impersonates the Complainant.

Panels have held that the use of a domain name for illegitimate activity, here impersonation/passing off, likely for phishing purposes, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Based on the available record, 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.

Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's impersonation of the Complainant constitutes bad faith under the Policy.

In the present case, the Panel notes that the Complainant claims that the Respondent has registered the disputed domain name and uses the same in bad faith, even though the disputed domain name does not presently resolve towards any active webpage. It is a consensus view among UDRP panels that, with comparative reference to the circumstances set out in paragraph 4(b) of the UDRP deemed to establish bad faith registration and use, the apparent lack of so-called active use (e.g., to resolve to a website) of the domain name without any active attempt to sell or to contact the trademark holder (which constitutes passive holding), does not as such prevent a finding of bad faith. The Panel must examine all the circumstances of the case to determine whether the Respondent is acting in bad faith.

Examples of what may be cumulative circumstances found to be indicative of bad faith include the complainant having a well-known trademark, no response to the complaint having been filed, and the respondent's concealment of its identity. UDRP panels may draw inferences about whether a domain name was used in bad faith given the circumstances surrounding the registration.

The Complainant has substantiated the fact that its trademark JARDILAND, which has been registered and used in France for years, now benefits from a high level of public awareness.

The identity of the Respondent was disclosed by the Registrar and it was confirmed that the Respondent was based in France.

The fact that the Respondent used a French address (and that the disputed domain name used to resolve to a web site entirely drafted in French language) implies that the Respondent is a French resident or at least has connections with France, where the Complainant's mark is well known. In light of the above, this Panel finds hard to believe that the Respondent did not have the Complainant's trademark in mind when the Respondent registered the disputed domain name.

Regarding the high similarity of the disputed domain name with the Complainant's trademark, it is highly unlikely that the disputed domain name could have been registered and then used in good faith.

Further, the disputed domain name is currently not directed to any active web page, but only because the Complainant obtained the deactivation thereof before filing the present Complaint. In fact, the Complainant has shown that the Respondent was previously using the disputed domain name to impersonate the Complainant, which is a clear indication that the Respondent knew about the Complainant and had its trademark in mind when it registered the disputed domain name.

The fact that the disputed domain name was used for to impersonate the Complainant, most likely for fraudulent purposes, as it resolved to a website that imitates the Complainant's, further demonstrates a use in bad faith of the disputed domain name.

The disputed domain name currently resolving to an inactive page does not alter the finding that the disputed domain name was registered and used in bad faith. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. In the present case, the Panel finds that the fact that the disputed domain name no longer resolves to an active page does not prevent a finding of bad faith.

Moreover, the Panel notes that the Respondent did not reply to the Complaint.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <jardin-land.com> be transferred to the Complainant.

*/William Lobelson/*

**William Lobelson**

Sole Panelist

Date: October 30, 2025