

ADMINISTRATIVE PANEL DECISION

Arsene v. Name Redacted

Case No. D2025-3983

1. The Parties

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

The Respondent is Name Redacted¹, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <arseneparis.com> is registered with Register SPA (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 30, 2025. On September 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 3, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 8, 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 13, 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”).

¹ In light of the email communication received from the third party (the Respondent’s parents) on October 1, 2025, the Panel has redacted the Respondent’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 9, 2025. The Respondent did not submit any response. However, on October 21, 2025, the Center received an email communication from a third party in relation to the present proceedings following receipt of the Written Notice sent by the Center. On November 13, 2025, the Center notified the parties of the Commencement of Panel Appointment Process,

The Center appointed Kaya Köklü as the sole panelist in this matter on November 17, 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 a leading French law firm with its headquarters in Paris. It is founder and member of an international network of law firms specializing in Tax Law.

For the territory of France, the Complainant has been a licensee since 2004 of various ARSENE trademarks registered by a third party named Société Civile Phoenix, including the French Trademark Registration No. 3263433, registered on March 2, 2007 and the European Union Trademark Registration No. 018004249 registered on May 17, 2019, both for ARSENE and both providing protection for various consultancy services in classes 35, 36 and 45.

The Complainant has also registered several domain names consisting of or comprising the trademark ARSENE, such as <arsene.fr>, <arsene-avocats.com> and <arsene-taxand.com>.

By way of an addendum to the license agreement in 2025, the Complainant has been authorized by the trademark owner to initiate UDRP proceedings in its own name.

According to the provided Registrar information, the Respondent is reportedly located in the Netherlands. However, according to an email communication to the Center by the Respondent's parents on October 1, 2025, accompanied by supporting documentation, the Respondent passed away at the end of July 2025.

The disputed domain name was registered on May 26, 2025.

Initially, the disputed domain name resolved to a website of a webhosting provider in the Netherlands, indicating that the disputed domain name had been acquired by a customer. Since a formal notice sent by the Complainant to the referred webhosting provider and the Registrar on June 6, 2025, the respective website has been blocked.

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.

B. Respondent

Except the email communication received from the third party (the Respondent's parents) on October 1, 2025, no Response was filed to the Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Note

Under the Policy and the Rules, the Respondent is the person whom the Registrar's records show as the registrant of the disputed domain name. Also, the administrative proceeding is a summary procedure that does not depend on the personal participation of the registrant, nor does it require the Panel to inquire into matters of legal succession, representation, or the administration of an estate. Although the Panel has been informed that the Respondent passed away about two months prior to the filing of the Complaint, and while the Panel is aware of the potentially difficult situation for the Respondent's parents, this does formally not affect the continuation of the proceeding or the Panel's authority to reach a decision. The UDRP framework contemplates that cases shall be decided on the written record even where the registrant does not or cannot participate. The Panel therefore proceeds, mindful of the circumstances, to assess the Complaint on its merits based on the available record.

6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that a complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively replied to the Complainant's contentions. (*Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#)).

Concerning uncontested information provided by a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as true. [WIPO Overview 3.0](#), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views captured therein.

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 licensed rights in respect of the ARSENE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ARSENE trademark 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 “paris”, 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 Complainant’s prima facie case remains un rebutted, and the record contains no evidence or indication demonstrating that the Respondent holds any rights or legitimate interests in the disputed domain name under the Policy or otherwise. There is particularly nothing in the record to explain why the Respondent selected a domain name that is confusingly similar to the Complainant’s licensed ARSENE trademark combined with the term “paris”, which corresponds to the location of the Complainant’s headquarters.

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.

In the present case, the Panel notes that the disputed domain name incorporates the Complainant’s licensed ARSENE trademark in its entirety, combined with the term “Paris”, which corresponds to the location of the Complainant’s headquarters. This combination is inherently suggestive of the Complainant and its business. In the absence of any plausible explanation for such a choice and given the reputation of the Complainant’s licensed trademark in France, particularly in Paris, the Panel finds it unlikely that the Respondent selected the disputed domain name for a purpose independent of the Complainant. The Panel therefore concludes that the disputed domain name was more likely than not registered in bad faith.

With regard to bad faith use, the disputed domain name has not been actively used to date, apart from resolving to a landing page of a webhosting provider. The absence of active use does not prevent a finding of bad faith under the doctrine of passive holding, particularly where, as in the present case, the circumstances indicate that the use of the domain name would likely mislead users by creating an association with the Complainant. See [WIPO Overview 3.0](#), section 3.3.

The Panel again notes the reputation of the Complainant's licensed ARSENE trademark in France, particularly in Paris, and the composition of the disputed domain name, which together reinforce the inference of bad faith. In the absence of any evidence or explanation suggesting a legitimate purpose of use, the Panel therefore concludes that the passive holding of the disputed domain name supports the Panel's finding of bad faith use.

The Panel concludes 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 <arseneparis.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: December 1, 2025