

ADMINISTRATIVE PANEL DECISION

Cacharel v. 李策平 (li ce ping, li ce ping)
Case No. D2025-4007

1. The Parties

Complainant is Cacharel, France, represented by Legi-Mark, France.

Respondent is 李策平 (li ce ping, li ce ping), China.

2. The Domain Name and Registrar

The disputed domain name <thecacharel.com> (the “Domain Name”) is registered with Xin Net Technology Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 1, 2025. On October 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (masked) and contact information in the Complaint. The Center sent an email communication to Complainant on October 9, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on October 13, 2025.

On October 9, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Domain Name is Chinese. On October 13, 2025, Complainant submitted a translation of the amended Complaint in Chinese and also requested English to be the language of the proceedings. Respondent did not submit any comment on Complainant’s submission.

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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on October 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on November 6, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on November 13, 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

Complainant, a French ready-to-wear company, markets women's, men's and children's ready-to-wear apparel and manages various licenses for fashion accessories, lingerie and fragrances.

Complainant owns numerous registered trademarks for the CACHAREL mark, including:

- French registered trademark number 1323072 for the CACHAREL word mark, registered since September 12, 1985;
- French registered trademark number 1289316 for the CACHAREL design and word mark, registered since November 12, 1984;
- French registered trademark number 1489908 for the CACHAREL design and word mark, registered since September 21, 1988; and
- European Union registered trademark number 005636824 for the CACHAREL word mark, registered on February 6, 2009.

The Domain Name was registered on August 17, 2025 and at the time of filing of the Complaint, resolved to a website that reproduced Complainant's trademarks and allegedly offered for sale Complainant's goods, including perfumes and ready-to-wear clothing.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations for CACHAREL and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known CACHAREL products and services.

Complainant notes that it has no affiliation with Respondent, and that Respondent is posing as Complainant, by hosting a website at the Domain Name that passes itself off as Complainant, featuring Complainant's product images and listings for Complainant's products.

Complainant further contends that Respondent is using the Domain Name as a tool to exploit Complainant's reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the Domain Name. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceedings

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint and amended Complaint in English, also with a translation of the amended Complaint in Chinese. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Chinese.

Complainant requested that the language of the proceedings be English for several reasons, including the fact that the website that the Domain Name was written entirely in English and the currency used to sell the products is the dollar; the contact details provided on the website was provided in English and the Domain Name is composed of the definite article "the" and Complainant's trademark. Accordingly, Complainant submits that Respondent is fluent in English.

Respondent did not comment on Complainant's request for the language of the proceedings be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

The Panel accepts Complainant's submissions regarding the language of the proceedings. The Panel notes that the Domain Name does not have any specific meaning in the Chinese language, and that the Domain Name is formed using Latin characters, contains Complainant's CACHAREL trademark in its entirety. The Panel further notes that the Center notified the Parties in Chinese and English of the language of the proceedings as well as notified Respondent in Chinese and English of the Complaint. Respondent chose not to comment on the language of the proceedings, nor did Respondent choose to file a Response in Chinese or English even though Complainant also provided a Chinese translation of the amended Complaint.

Having considered all the circumstances of this case, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2. Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

Section 4.3 of the [WIPO Overview 3.0](#) states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

Complainant has provided evidence of its rights in the CACHAREL trademarks, as noted above under section 4. Complainant has therefore proven that it has the requisite rights in the CACHAREL trademarks.

With Complainant's rights in the CACHAREL trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's CACHAREL trademarks. The CACHAREL trademark is recognizable in the Domain Name. In particular, the Domain Name's inclusion of Complainant's CACHAREL trademark in its entirety, with an addition of the term "the" preceding the CACHAREL mark, does not prevent a finding of confusing similarity between the Domain Name and the CACHAREL trademarks.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes out such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its CACHAREL trademarks, and does not have any rights or legitimate interests in the Domain Name. In addition, Complainant asserts that Respondent is not authorized to promote Complainant's goods or services and is not related to Complainant. Respondent is also not known to be associated with the CACHAREL trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of filing of the Complaint, Respondent used the Domain Name to purportedly sell Complainant's goods with the CACHAREL trademark displayed on the website, essentially impersonating Complainant and its CACHAREL brand, by hosting a website that passed itself off as Complainant. UDRP panels have consistently held that use of a domain name for illegal activity — such as impersonation or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the CACHAREL trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's CACHAREL trademarks and related products and services are widely known and recognized. Therefore, the Panel is of the view that Respondent was aware of the CACHAREL trademarks when it registered the Domain Name. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel thus finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the composition of the Domain Name, which includes Complainant's CACHAREL trademark and an additional term “the” preceding the CACHAREL trademark, suggests Respondent's actual knowledge of Complainant's rights in the CACHAREL trademark at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name.

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well-known CACHAREL products and services of Complainant or authorized partners of Complainant, possibly for its own commercial benefit. In particular, at the time of filing of the Complaint, Respondent used the Domain Name in an attempt to direct Internet users looking for Complainant's products

and services to its website by impersonating Complainant and its CACHAREL brand, including the use of CACHAREL trademarks. In addition, the website displayed false information, such as the postal address and customer service contact information including an email address and a phone number that do not belong to Complainant, and which would be misleading and fraudulent to consumers looking for Complainant's information.

UDRP panels have consistently held that Respondent's use of the Domain Name to trade off goodwill in Complainant's well-known trademark and impersonate Complainant constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#). Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Further, the Panel also notes the failure of Respondent to submit a response.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <thecacharel.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: November 27, 2025