

## **ADMINISTRATIVE PANEL DECISION**

Hachette Filipacchi Presse v. archit kumar

Case No. D2025-4087

### **1. The Parties**

The Complainant is Hachette Filipacchi Presse, France, represented by Novagraaf France, France.

The Respondent is archit kumar, India.

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

The disputed domain name <ellebaltic.com> (the “Disputed Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 7, 2025. On October 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 8, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 10, 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”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent 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. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 12, 2025.

The Center appointed Mariia Koval 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, founded in 1826, is one of the world's largest international magazine publishers. The Complainant is a publisher of the French fashion magazine under the trademark ELLE (the "ELLE Trademark") which has been existing since 1945 and is developed all over the world through 50 international editions which totalize 32 million readers. The Complainant contends that as a result of the tremendous investments made in relation to the ELLE Trademark over the years, the ELLE Trademark has gained a strong reputation, being well-known by a large fraction of the public worldwide.

The Complainant is the owner of ELLE Trademark registrations in various jurisdictions worldwide, among which are:

- Estonian Trademark Registration No. 10688, registered on May 9, 1995, in class 16;
- International Trademark Registration No. 731669, registered on October 25, 1999, in classes 38 and 41;
- European Union Trade Mark No. 018402081, registered on November 10, 2021, in classes 3, 5, 10, 16, 23, 35, 41, 42, 44, and 45.

The Complainant's ELLE Trademark has a strong Internet presence through numerous websites including those relaying the 50 editions online such as "www.elle.com", "www.elle.fr", "www.elle.in", "www.elle.de", "www.elle.es", accessed by 100 million unique visitors per month on 55 digital platforms. The Complainant also operates pages on various social media platforms, in particular Facebook, Instagram, LinkedIn, and YouTube. In addition, the Complainant launched the Indian edition of ELLE magazine in 1996, and its Instagram account for the Indian edition of ELLE magazine is followed by more than 1.1 million people in India.

The Disputed Domain Name was registered on December 4, 2024. As of the date of filing of the Complaint, and of this Decision, the Disputed Domain Name resolves to an inactive website with the following notification: "New WordPress website is being built and will be published soon." However, in accordance with evidence presented by the Complainant (Annex 10 to the Complaint) the website under the Disputed Domain Name was active before the date of filing of the Complaint and resolved to the website which was a slavish copy of the Complainant's website.

#### **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 the Complainant's ELLE Trademark since the Disputed Domain Name reproduces the Complainant's ELLE Trademark in its entirety with the addition of the geographic element "baltic" (refers to the Baltic countries, which are Estonia, Lithuania, and Latvia), which does not prevent confusion with the Complainant's ELLE Trademark.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Complainant holds well-established prior rights on the ELLE Trademark which is considered as being well-known;
- the Complainant has never authorized the Respondent to use its ELLE Trademark, in a domain name, or otherwise;
- the Complainant also never authorized anyone to reserve the Disputed Domain Name;
- the Respondent has no legitimate interest in holding the Disputed Domain Name since it holds no rights in ELLE Trademark;
- the inherently misleading nature of the Disputed Domain Name, incorporating the Complainant's ELLE Trademark, creates a likelihood of confusion with the Complainant and cannot constitute fair use as it attempts to impersonate the Complainant;
- the Respondent obviously knew that he violated the prior rights of the Complainant's when he registered the Disputed Domain Name.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Name in bad faith in view of the following. On the date of filing of this Complaint, the Disputed Domain Name does not resolve to an active website. The Complainant indeed obtained the deactivation of the linked website from its host, since the website under the Disputed Domain Name was a slavish copy of the Complainant's website. The associated website was reproducing the ELLE Trademark, with the same font as the one of the Complainant's trademarks. The composition of the website was also very similar to the one of the Complainant. Finally, the activities were identical (online feminine magazine) and the website under the Disputed Domain Name was also copying the cover pages of the magazine ELLE. While in contact with this website, consumers were indeed led to believe that it was the official website of the Complainant for the Baltic countries.

Given the Complainant's widespread and long-standing use of its ELLE Trademark, it is unlikely that the Respondent was unaware of the Complainant and its ELLE Trademark when it registered the Disputed Domain Name. It is thus unlikely that the Respondent registered the Disputed Domain Name for any reason other than to target the Complainant's ELLE Trademark by confusing Internet users expecting the Disputed Domain Name to resolve to a website owned by, operated by, or affiliated with the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

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

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 was 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 Disputed Domain Name completely reproduces the Complainant's ELLE Trademark in combination with the geographical term "baltic" and the generic Top-Level Domain ("gTLD") ".com". According to [WIPO Overview 3.0](#), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Here, the addition of the term "baltic" to the ELLE Trademark does not prevent a finding of confusing similarity.

Also, in accordance with [WIPO Overview 3.0](#), section 1.11.1, the applicable gTLD in a domain name (such as, ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Pursuant to [WIPO Overview 3.0](#), section 1.7, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's ELLE Trademark pursuant to paragraph 4(a)(i) of the Policy.

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.

There is no evidence that the Complainant has licensed or otherwise permitted the Respondent to use its ELLE Trademark or to register the Disputed Domain Name which is confusingly similar to the ELLE Trademark. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name.

Also, in accordance with [WIPO Overview 3.0](#), section 2.5.1, even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The composition of the Disputed Domain Name – reproducing the entirety of the ELLE Trademark, along with the geographical term "baltic" (which refers to the Baltic countries: Estonia, Lithuania, and Latvia), where the Complainant actively operates – carries a risk of implied affiliation with the Complainant. The Respondent is

not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the ELLE Trademark of the Complainant. The Disputed Domain Name previously resolved to website imitation of the Complainant's website, where the Complainant's ELLE Trademark was displayed and the cover pages of the magazine ELLE were copied. Therefore, the Panel cannot consider such previous use of the Disputed Domain Name as bona fide offering of goods or services, or a legitimate noncommercial or fair use.

With respect to the circumstances of this case, the Panel considers that it is obvious that the Respondent registered the Disputed Domain Name with good awareness of the Complainant and with the sole intention of commercial gain by creating a likelihood of confusion with the Complainant's ELLE Trademark.

The Respondent did not file any response to the Complaint and did not participate in this proceeding, as such, the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

### **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 the present case, the Panel notes that the Respondent has registered and is using the Disputed Domain Name in bad faith in view of the following.

The Complainant contends that there is no explanation for registering the Disputed Domain Name other than to target the Complainant. Given its ELLE Trademark is well known worldwide, and the Disputed Domain Name incorporates it in its entirety, the Panel finds bad faith registration based on the Respondent's knowledge of the ELLE Trademark given its widespread recognition, including in India where the Respondent is purportedly located. See *Carrefour v. Registration Private, Domains by Proxy LLC / Nisar Ahmad Zafar*, WIPO Case No. [D2016-2506](#).

The Complainant obtained the registration of the ELLE Trademark more than 25 years earlier than the Respondent registered the Disputed Domain Name in 2024. Taking into account all circumstances of this case, the Panel finds that the Respondent was well aware of the Complainant's business and its ELLE Trademark when registering the confusingly similar Disputed Domain Name that completely incorporates the Complainant's ELLE Trademark. The addition of the geographical term "baltic", where the Complainant carries on an active business, to the Complainant's ELLE Trademark in the Disputed Domain Name, is further evidence that the Respondent was well aware of the Complainant's ELLE Trademark and business at the time of registration of the Disputed Domain Name and has done so for the purpose of creating an impression that the Disputed Domain Name is connected with the Complainant's ELLE Trademark. The Panel considers it is obviously bad faith that the Respondent deliberately chose the Disputed Domain Name to create a likelihood of confusion with the Complainant's ELLE Trademark. Prior UDRP panels have also held that a respondent's selection of a disputed domain name that comprises the complainant's mark in its entirety demonstrates a respondent's likely actual knowledge to support a finding of bad faith in registering and using the domain name. See, e.g., *Lloyds Bank Plc v. Marc Wiese*, WIPO Case No. [D2015-0914](#); see also *Heineken Brouwerijen B.V. v Mark Lott*, WIPO Case No. [D2000-1487](#).

Moreover, panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Moreover, before the date of filing of the Complaint the Disputed Domain Name directed users to a website that imitated the Complainant's website featuring the "ELLE" logo in a stylized font similar to that of the Complainant. Internet users would have mistakenly believed the Disputed Domain Name is connected to, associated with, or endorsed or sponsored by the Complainant. Panels have held that the use of a domain name for illegal activity, in this case, claimed impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In view of the above, and in absence of any evidence to the contrary and the fact that the Respondent did not file any response to these proceedings, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

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 <ellebaltic.com> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: December 1, 2025