

ADMINISTRATIVE PANEL DECISION

Tensio-Actifs SAS v. chen pi
Case No. D2025-4089

1. The Parties

The Complainant is Tensio-Actifs SAS, France, internally represented.

The Respondent is chen pi, China.

2. The Domain Name and Registrar

The disputed domain name <imao-parfums.com> is registered with Gname 420 Inc (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 7, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the following day, 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 (Not available) 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 in English on October 14, 2025.

On October 10, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On October 13, 2025, the Complainant confirmed its request that English be the language of the proceeding. On October 15, 2025, the Respondent confirmed that the language of the Registration Agreement is Chinese.

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 in English and Chinese of the Complaint, and the proceedings commenced on October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 5, 2025. Other than its informal email communication of October 15, 2025, the Respondent did not submit any response. Accordingly, the Center notified the commencement of the panel appointment process on November 10, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on November 14, 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, formerly named IMAO 2MJ¹, creates and markets fragranced products for the automotive sector, including scented resin cards, sprays, clip-on diffusers, fragranced keychains, and cleaning wipes. It publishes a brand catalogue in French and English that prominently displays a figurative IMAO mark together with the French word “parfums” (meaning “perfumes”). The Complainant holds multiple trademark registrations in multiple jurisdictions, including the following:

- European Union trademark registration number 010609964 for the figurative IMAO mark, registered on October 11, 2012, specifying goods and services in classes 3, 16, 35, 41, and 42;
- French trademark registration number 4692062 for IMAO, registered on March 26, 2021, specifying goods in classes 3, 5, 11, and 21; and
- Chinese trademark registration number 50888847, registered on June 21, 2021 for IMAO, specifying goods in class 3.

The Complainant is a prior registrant of the disputed domain name. It held the registration from June 21, 2016 until as recently as June 2025 but failed to renew its registration due to an administrative oversight.

The Respondent is an individual based in China.

The disputed domain name was registered on September 10, 2025. It resolves to a website principally in Spanish, but also using English words. The website offers for sale electronic cigarettes.

The Complainant sent a letter of demand in English to the Respondent via email on September 24, 2025, with a reminder two days later.

The Complainant received an email on October 2, 2025, apparently from a distributor, informing it that several customers had searched for the Complainant’s website using the disputed domain name and reached the Respondent’s website instead.

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.

¹ The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has visited the Complainant’s website “www.tensio-actifs.com”, which is publicly available, to verify the Complainant’s prior name as indicated on certain of its trademark certificates. The Panel considers this process of verification useful to assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

Notably, the Complainant contends that the disputed domain name is identical to its IMAO PARFUMS mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. There is no evidence that, prior to being notified of this dispute, the Respondent made any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. The Respondent is not commonly known by the disputed domain name, nor does it have any established association with the Complainant or its business. Instead, the Respondent has appropriated the disputed domain name to benefit from the reputation of the Complainant, misleading consumers into associating it with the Complainant's brand.

The disputed domain name was registered and is being used in bad faith. The disputed domain name was previously owned and used by the Complainant, a well-established brand in the automotive fragrance sector with an international reputation. The Respondent intentionally exploited the established goodwill of the Complainant. The current use of the disputed domain name is entirely unrelated to the Complainant's products or services. The Respondent's actions demonstrate an intentional attempt to capitalize on the Complainant's established mark for commercial benefit, while misleading the public and undermining the Complainant's reputation.

B. Respondent

Other than an informal email noting the language of the Registration Agreement, the Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including that the website associated with the disputed domain name contains English words/terms and references; requiring a translation of the Complaint into Chinese would impose an undue burden on the Complainant, significantly delay the proceedings, and go against the objective of conducting UDRP proceedings with due expedition.

The Respondent noted that the language of the Registration Agreement is English but otherwise did not comment on the language of the proceeding.

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 3.0](#), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Panel would have accepted a Response in Chinese, but none was filed.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

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

The burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of an IMAO trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the IMAO mark is reproduced within the disputed domain name as its initial element. Despite the addition of the French word "parfums" (meaning "perfumes") separated by a hyphen, the mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of trademark registration, may be disregarded in the assessment of confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.8 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name resolves to a website offering for sale electronic cigarettes. Despite the disputed domain name combining the Complainant's IMAO trademark with a description of the Complainant's goods, i.e., "parfums" (meaning "perfumes"), nothing on the Respondent's website has any connection to the Complainant or to perfumes, and the Complainant confirms that the Respondent has no association with itself or its business. Nor is there any apparent connection between the content of the website and another IMAO brand or acronym. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

Further, the Registrar has verified that the Respondent's name in the Whois database is "chen pi", which does not resemble the disputed domain name. Nothing indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the 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. The fourth circumstance is as follows:

"(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] 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 [the respondent's] website or location or of a product or service on [the respondent's] web site or location."

In the present case, the disputed domain name was registered in 2025, years after the Complainant registered its IMAO mark, including in China, where the Respondent is based. The disputed domain name combines the Complainant's IMAO mark with a description of the Complainant's products, i.e. "parfums" (meaning "perfumes"), which indicates an awareness of the Complainant and the nature of its business. The Respondent provides no explanation for his choice of the disputed domain name. Accordingly, the Panel finds that the Respondent was aware of the Complainant and its trademark at the time when he registered the disputed domain name.

As regards use, the disputed domain name resolves to a website offering for sale electronic cigarettes. Nothing on the Respondent's website has any connection to the Complainant or to perfumes or to any other IMAO brand or acronym. The Complainant used the disputed domain name for nine years prior to its registration by the Respondent. In view of these circumstances, the Panel finds it more likely than not that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his website or of a product on his website, within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <imao-parfums.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: November 28, 2025