

## **ADMINISTRATIVE PANEL DECISION**

Bal du Moulin Rouge v. Jonathan Barbee  
Case No. D2025-4573

### **1. The Parties**

The Complainant is Bal du Moulin Rouge, France, represented by CASALONGA, France.

The Respondent is Jonathan Barbee, United States of America, self-represented.

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

The disputed domain name <moulinrougeffxiv.com> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 5, 2025. On November 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 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 (Anonymous) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 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 November 19, 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 November 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2025. The Respondent sent email communications to the Center on November 17-20 and December 15, 2025. On November 18, 2025, the Center sent an email to the Parties regarding possible settlement. On November 19, 2025, the Complainant requested to continue the proceedings.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on December 24, 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 French public limited company operating in the field of entertainment under the brand name MOULIN ROUGE since 1889. Over the years, the Complainant has developed a significant commercial presence, being one of the famous touristic attractions in Paris, offering musical dance entertainment for visitors from around the world. The Complainant operates as a theater for dance parties, entertainment, and receptions and offers its services and facilities to groups, companies and individuals.

The Complainant is the owner of multiple trademark registrations incorporating the mark MOULIN ROUGE, including, inter alia:

- International trademark registration MOULIN ROUGE (word), No. 1016676, registered on June 12, 2009 in classes 3, 9, 11, 14, 16, 18, 20, 21, 24, 25, 32, 33, 41 and 43;
- European Union ("EU") trademark registration MOULIN ROUGE (word), No. 000110437, registered on November 5, 1998, in classes 3, 14, 18, 25, 32, 33 and 41; and
- EU trademark registration MOULIN ROUGE PARIS (fig.), No. 010841567, registered September 24, 2012, in classes 3, 4, 9, 11, 14, 16, 18, 20, 21, 24, 25, 26, 28, 29, 30, 32, 33, 41 and 43.

The Complainant has also operated numerous domain names, including <moulin-rouge.com>, <moulinrouge.com> since 1998, and <moulinrouge.fr>, <moulin-rouge.fr> since 1999.

The disputed domain name was registered on June 4, 2024. At the time of filing of the Complaint, the disputed domain name resolved to a website presenting itself as a bar (club) within the video game Final Fantasy XIV, promoted through a discord account. The website included statements such as "©Copyright 2024. All Rights Reserved. Moulin Rouge Final Fantasy XIV". At the time of this Decision, the disputed domain name resolves to a Registrar's landing page displaying the message "moulinrougeffxiv.com Registered at Hostinger" and offering domain management options.

#### **5. Parties' Contentions**

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:

(1) the disputed domain name is identical or confusingly similar to the Complainant's trademark, since it incorporates the MOULIN ROUGE mark and the addition of the term "ffxiv" and the ".com" extension does not prevent confusion;

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent registered the disputed domain name years after the Complainant established and widely used the MOULIN ROUGE trademark. The Respondent is not affiliated with the Complainant, has no license or authorization to use the MOULIN ROUGE mark, and is not commonly known by the disputed domain name. The disputed domain name resolved to a website dedicated to a bar/club within the video game Final Fantasy XIV, creating a misleading impression of affiliation with the Complainant's MOULIN ROUGE brand,

which is not a bona fide offering of goods or services. On the date of the Complaint the website linked to the disputed domain name has been deactivated. Such conduct negates any claim of legitimate interests.

(3) The disputed domain name was registered and is being used in bad faith. The disputed domain name was registered on June 4, 2024. Registering the disputed domain name so obviously connected to a well-known mark without authorization is itself evidence of bad faith. The Respondent used the disputed domain name creating a misleading association with the Complainant and suggesting an unauthorized extension of its brand into the virtual environment. Such conduct aims to attract Internet users by creating a likelihood of confusion as to source, sponsorship, or affiliation. Passive holding combined with timing and knowledge of the Complainant's rights prevents the rightful trademark owner from using its mark and constitutes bad faith under the Policy.

## **B. Respondent**

The Respondent did not reply formally to the Complainant's contentions. However, the Respondent sent multiple informal communications to the Center, where he asserted that the disputed domain name was registered in 2024 in connection with a non-commercial activity related to an online game, allegedly at the request of a third party, and without any intention to infringe the Complainant's rights.

The Respondent stated that he is not affiliated with the Complainant, is not associated with the relevant game club, and has had no involvement with the website following the breakdown of his relationship with the third party.

The Respondent further stated that he was unaware that the registration of the disputed domain name could constitute an infringement and indicated that, had he known, he would not have registered it. The Respondent claimed that upon becoming aware of the issue, he removed the website content and expressed a willingness to transfer the disputed domain name.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the Disputed Domain Name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the 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 has been registered and is being used in bad faith.

The Respondent was given proper notice of the Complaint and had the opportunity to respond. Under paragraph 5(a) of the Rules, the Respondent was required to submit its response within 20 days of commencement of the proceeding. The Respondent failed to submit a formal response.

Pursuant to paragraph 5(f) of the Rules, in the event of such a default, the Panel shall proceed to a decision based on the Complaint. However, the Respondent's default does not mean that the Complainant automatically prevails; the Complainant continues to bear the burden of proof on each element. The Panel may draw appropriate inferences from the Respondent's silence, and, where appropriate, accept as true the reasonable allegations in the Complaint that are not contradicted by evidence.

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

### **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 mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its MOULIN ROUGE mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Complainant's mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant's MOULIN ROUGE mark in its entirety, with the only differences being the addition of the term "ffxiv" and the omission of the space between the words. In accordance with [WIPO Overview 3.0](#), section 1.8, addition of other terms, whether descriptive, geographical, pejorative, meaningless, or otherwise, would not prevent a finding of confusing similarity under the first element, as the Complainant's mark remains clearly recognizable within the disputed domain name.

The Panel further notes that the generic Top-Level Domain ("gTLD") ".com" is required only for technical reasons and is generally ignored for the purposes of comparison of the Complainant's mark to the disputed domain name. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark and that the first element of paragraph 4(a) of the Policy is satisfied.

### **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.

The evidence before the Panel shows that the Respondent used the disputed domain name to impersonate the Complainant and its MOULIN ROUGE brand. At the time of filing of the Complaint, the disputed domain name redirected to a website dedicated to the same bar/club of the video game Final Fantasy XIV page. The website prominently reproduced the Complainant's MOULIN ROUGE trademark multiple times, including in the domain name and in copyright notices such as "© Copyright 2024. All Rights Reserved. Moulin Rouge Final Fantasy XIV", creating a false impression of affiliation or endorsement.

Several elements support the finding that the website was misleading in nature, including the use of the Complainant's trademark to designate what was presented as a virtual nightclub within the Final Fantasy XIV gaming environment. The Respondent deleted associated social media accounts after receiving a cease-and-desist letter, further confirming the lack of any legitimate business activity. Furthermore, there is nothing in the record to suggest that the Respondent is commonly known by the disputed domain name or any corresponding name. The fact that the disputed domain name now resolves to a Registrar's landing page and is effectively inactive reinforces that it is not being used as an identifier for any legitimate enterprise.

Although the website has since been deactivated, the Panel considers that the Respondent's prior conduct is insufficient to assess rights or legitimate interests. The use of a disputed domain name to impersonate a complainant and mislead Internet users for financial gain cannot constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor a legitimate noncommercial or fair use under paragraph 4(c)(iii).

The Panel further notes that the Complainant has established trademark rights in MOULIN ROUGE and has confirmed that it has no relationship with the Respondent. The Respondent has not been authorized, licensed, or otherwise permitted to use the Complainant's trademark. There is also no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

In light of the absence of any credible evidence of rights or legitimate interests, and the clear impersonation of the Complainant, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

Accordingly, the Complainant has satisfied the requirement of paragraph 4(a)(ii) 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 registered and is using the disputed domain name in bad faith under paragraph 4(b) of the Policy.

The Complainant is well known in France for being in connection with its famous cabaret since 1889 under the MOULIN ROUGE name. The Complainant is best known for the modern form of the can-can dance, one of the famous touristic attractions in Paris, offering musical dance entertainment for visitors from around the world. Overall, numerous websites confirm the renown of the MOULIN ROUGE through the world.

Given the Complainant's reputation in France, internationally and the distinctive nature of its MOULIN ROUGE mark, the Panel finds it implausible that the Respondent was unaware of the Complainant's rights. The registration itself, reproducing the Complainant's trademark in its entirety and merely adding the term "ffxiv" referring to the video game Final Fantasy XIV, demonstrates clear targeting of the Complainant's well-known brand.

The disputed domain name incorporates the MOULIN ROUGE in its entirety, merely adding the term “ffxiv” which refers to the video game Final Fantasy XIV and suggests an unauthorized extension of the Complainant’s brand into a virtual environment. Under [WIPO Overview 3.0](#), section 3.2.1, this composition strongly suggests deliberate targeting.

The disputed domain name previously resolved to a misleading website using the Complainant’s MOULIN ROUGE trademark to promote what was presented as a virtual nightclub within the Final Fantasy XIV gaming environment. This conduct falls squarely within paragraph 4(b)(iv) of the Policy, as the Respondent intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainant’s mark as to source, sponsorship, or endorsement. The Respondent incorporated the Complainant’s trademark in its entirety, combined with “ffxiv”, to suggest an unauthorized extension of the brand into a virtual space. Such actions are not coincidental but form part of a deliberate attempt to trade off the Complainant’s reputation and create a false sense of association. Although the website has since been deactivated, this does not negate the Respondent’s bad faith. The Respondent’s concealment of identity, deletion of social media accounts after receiving a cease-and-desist letter and use of fabricated branding elements confirm that the Respondent had no bona fide use in mind, but rather sought to exploit the Complainant’s goodwill for promotional purposes wholly unrelated to its legitimate business activities. Such conduct disrupts the Complainant’s image and disrupts its business by diluting the distinctive character and prestige of the MOULIN ROUGE trademarks.

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 disputed domain name is currently resolving to a Registrar’s landing page. Having reviewed the available record, the Panel notes the well-known nature of the Complainant’s trademarks, the lack of a formal Response and the composition of the disputed domain name, and finds that in the circumstances of this case the current use of the disputed domain name does not prevent a finding of bad faith under the Policy.

Considering the totality of circumstances, the Panel concludes that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

Accordingly, the third element of paragraph 4(a) of the Policy has been established.

## **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 <moulinrougeffxiv.com> be transferred to the Complainant.

*/Ganna Prokhorova/*

**Ganna Prokhorova**

Sole Panelist

Date: January 5, 2026