

ADMINISTRATIVE PANEL DECISION

JJA v. Harpsteraeft Ronald
Case No. D2025-4622

1. The Parties

The Complainant is JJA, France, represented by Denemeyer & Associates S.A., Luxembourg.

The Respondent is Harpsteraeft Ronald, United States of America.

2. The Domain Name and Registrar

The disputed domain name <hesperiderabais.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 7, 2025. On November 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 10, 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 (Unknown – Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 November 10, 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 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 15, 2025.

The Center appointed Mladen Vukmir as the sole panelist in this matter on December 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 an international company based in France. It was founded in 1976 as a family-owned business. The Complainant is active in the home furnishings and decor sectors, and it offers a range of products, including furniture and decorative items.

The Complainant is the owner of several HESPERIDE trademarks registered in various jurisdictions, including HESPÉRIDE (figurative) International Registration No. 1044063, registered on January 27, 2010, for goods in Classes 6, 11, 18, 19, and 20 of the International Classification, and HESPERIDE (word) trademark registered in European Union on April 30, 2012, under the registration No. 010379196 for goods and services in Classes 6, 11, 16, 17, 18, 19, 20, 21, and 35 of International Classification (the “HESPERIDE trademark”).

The Complainant holds several domain names incorporating the HESPERIDE trademark, including <hesperide.com>, registered on July 31, 2008, and <hesperide.fr>, registered on November 25, 2015. These domain names resolve to the Complainant’s official website, which is used to promote its products and provide information about its activities.

The disputed domain name was registered on October 14, 2025. It resolves to a website prominently reproducing the Complainant’s HESPERIDE trademark, and purportedly offering products presented under the Complainant’s HESPERIDE trademark.

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:

(i) the disputed domain name is highly confusing to the HESPERIDE trademark in which the Complainant has earlier rights. The disputed domain name primarily consists of the Complainant’s HESPERIDE trademark with the addition of the term “rabais” meaning “discount” in French. According to the Complainant, the HESPERIDE trademark remains clearly recognizable within the disputed domain name.

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant contends that the Respondent is not commonly known by the disputed domain name, is not affiliated with the Complainant, and has not been licensed or otherwise authorized to use the HESPERIDE trademark. The Complainant further asserts that the disputed domain name resolves to a website displaying the Complainant’s products using the Complainant’s trademark, product names, and images without authorization, and that such use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

(iii) the Respondent has registered and is using the disputed domain name in bad faith. The Complainant states that the disputed domain name incorporates its HESPERIDE trademark in its entirety and without any distinguishing elements. The Complainant further argues that the HESPERIDE trademark is well-known in its field of activity and that the Respondent must have been aware of the Complainant and its trademark at the time of registration of the disputed domain name. The Complainant cites prior UDRP decisions concerning domain names incorporating the HESPERIDE mark in which it has prevailed. There can be no

plausible explanation for the Respondent's selection of trademark HESPERIDE as part of the disputed domain name other than to misleadingly divert Internet users to its website for commercial gain. Consumers seeking genuine products from the Complainant may be attracted to the disputed domain name which incorporates the Complainant's HESPERIDE trademark. They are likely to be misled into believing that the website is the Complainant's official website, or that the Respondent is affiliated with or authorized by the Complainant to sell its products, which is not true. This constitutes a bad faith attempt to trade on the goodwill and reputation of the Complainant's HESPERIDE trademark.

B. Respondent

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

6. Discussion and Findings

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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant has established registered rights in the HESPERIDE trademark which predate the registration of the disputed domain name.

The entirety of the HESPERIDE trademark is reproduced within the disputed domain name. The disputed domain name incorporates the Complainant's HESPERIDE trademark in its entirety. The additional term "rabais" meaning "discount" in French, does not prevent the trademark from being clearly recognizable 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, "rabais") 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 trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

The Panel finds that 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.

The Panel notes that the Respondent is not affiliated with the Complainant, has not been authorized to use the Complainant's HESPERIDE trademark, and is not commonly known by the disputed domain name. There is no evidence on the record suggesting that the Respondent has acquired any trademark or service mark rights corresponding to the disputed domain name.

The disputed domain name resolves to a website offering products presented under the Complainant's trademark, using the Complainant's name and imagery, without authorization. Such use does not constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy, nor does it amount to a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy.

Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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.

In the present case, at the time of filing of the Complaint, the disputed domain name resolved to a website where the Complainant's HESPERIDE trademark had been displayed, and the Complainant's products had been offered. On the other side, the Respondent's lack of affiliation with the Complainant has not been disclosed on the said website. This had created a false impression of endorsement or official connection between the Complainant and the Respondent, particularly noting that the disputed domain name consists of the Complainant's HESPERIDE trademark and the term "rabais," meaning "discount," which reinforces rather than dispels an association with the Complainant and its commercial activities.

The Panel accepts that the Complainant's HESPERIDE trademark is well known in the Complainant's field of activities. The Panel considers it implausible that the Respondent was unaware of the Complainant, its HESPERIDE trademark, and the Complainant's domain names <hesperide.com> and <hesperide.fr> at the time of registration of the disputed domain name, especially when considering the use to which the disputed domain name was put. The Complainant's HESPERIDE trademark significantly predates the registration of the disputed domain name, and the Respondent's website makes explicit reference to the Complainant's products, trademark, and commercial presentation.

The disputed domain name has been used to operate a website offering products under the Complainant's HESPERIDE trademark, thereby creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website.

The Panel is of the opinion that, by registering and using the disputed domain name that contains the Complainant's HESPERIDE trademark, the Respondent is attempting to take advantage of the Complainant's well-known trademark. In this Panel's view, the Respondent is, by using the HESPERIDE trademark in the disputed domain name, intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its HESPERIDE trademarks. It is well established that if a respondent has intentionally attempted to attract for commercial gain by creating a likelihood of confusion with the complainant's trademark it is an indicator of bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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 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 <hesperiderabais.com> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: December 31, 2025