

## **ADMINISTRATIVE PANEL DECISION**

SARL CM v. Laurent Ripoche  
Case No. D2025-4776

### **1. The Parties**

The Complainant is SARL CM, France, represented by Dreyfus & associés, France.

The Respondent is Laurent Ripoche, France.

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

The disputed domain name <cafedeflore.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 17, 2025. On November 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 19, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 19, 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 20, 2025.

On November 21, 2025, per the Complainant’s request, the administrative proceedings were suspended until December 22, 2025. On December 17, 2025, the proceedings were reinstituted upon the Complainant’s request.

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 December 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2026. The Respondent sent email communications

to the Center on December 16, and December 19, 2025. The Complainant submitted Supplemental Filings on December 16, and December 23, 2025.

The Center appointed Louis-Bernard Buchman as the sole panelist in this matter on January 15, 2026. 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, a limited liability company organized under the laws of France, owns a Paris café located on the Left Bank which has been in existence since the last quarter of the 19<sup>th</sup> century and has welcomed among its customers a number of literary, intellectual, political and artistic luminaries. Since 1994, the Café de Flore is the seat of the jury of the Prix de Flore, a prize awarded every year to a promising young writer.

The Complainant owns several trademarks containing the term CAFÉ DE FLORE, including inter alia the French trademark CAFE DE FLORE, registered on May 10, 1989 under Registration No. 1583268 and the European Union trademark CAFÉ DE FLORE, registered on September 17, 2001 under Registration No. 001778307 (together hereinafter referred to as “the Mark”).

The Complainant is the registrant of the domain name <cafedeflore.fr>, registered on June 22, 2009.

The disputed domain name <cafedeflore.com> was initially registered on February 28, 2003. The Respondent acknowledged having acquired it on January 6, 2024.

The Complainant has submitted evidence that as at November 3, 2025, an attempt to access the website at the disputed domain name triggered a security warning and was blocked by antivirus software, and as at November 17, 2025, resolved to a parking page displaying pay-per-click links to competitors of the Complainant. At the time of this Decision, the disputed domain name resolves to an error page.

#### **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 reproduces the Mark, in which the Complainant has rights, and is confusingly similar to the Mark insofar as the disputed domain name contains the Mark in its entirety;
- (ii) it never authorized the Respondent to use the Mark in any manner and it never had any affiliation with the Respondent, who has no rights or legitimate interests in respect of the disputed domain name;
- (iii) the Respondent has registered and is using the disputed domain name in bad faith; in particular, the Respondent had or should have had knowledge of the Mark when registering the disputed domain name, and by creating a likelihood of confusion with the Mark, the Respondent is using the disputed domain name in bad faith.

In its first Supplemental Filing, the Complainant asserted that the Respondent contacted the Complainant by phone and demonstrated detailed knowledge of the Complainant's establishment "Café de Flore." It also stated that the Respondent asked for EUR 40,000 in compensation for transfer of the disputed domain name to the Complainant.

In its second Supplemental Filing, the Complainant essentially argued that the Respondent's assertions that the non-renewal of the domain name demonstrates an absence of intent to retain it, and the fact that the disputed domain name was long available prior to the Respondent's acquisition, are without legal significance.

The Complainant requests that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

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

In his first email communication to the Center of December 16, 2025, the Respondent stated that the "discussion" was possible and indicated that his costs associated with the disputed domain name were "between [EUR] 1,500 and 2,000", which remained subject to negotiation. In his second email communication of December 19, 2025, the Respondent further contended, inter alia, that the sole purpose of his acquisition of the disputed domain name, among other purchased domain names, was for its connection with the flora of the Chardonnay vineyards in South Burgundy and the Respondent's related "projects".

## **6. Discussion and Findings**

### **6.1. Procedural Aspects – Supplemental Filings**

The Panel in its discretion decides that it is appropriate to admit the Complainant's first Supplemental Filing insofar as it provides arguments related to the facts which seemingly occurred after the filing of the Complaint and are relevant for the merits of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.6. Likewise, the Panel in its discretion decides that it is appropriate to admit the Complainant's second Supplemental Filing.

### **6.2. Three Elements Under Paragraph 4(a) of the Policy**

#### **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 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 Panel notes that the Respondent did not rebut these assertions and finds that the disputed domain name is identical to the CAFE DE FLORE mark. [WIPO Overview 3.0](#), section 1.7.

Regarding the generic Top-Level-Domain ("gTLD") ".com" in the disputed domain name, it is well established that a gTLD does not generally affect the assessment for the purpose of determining identity or confusing similarity. [WIPO Overview 3.0](#), section 1.11.1.

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. In this case, the Panel finds that the Respondent has failed to rebut the Complainant’s prima facie showing.

In particular, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, that would outweigh the Complainant’s arguments that the Respondent has acted in bad faith.

The Panel took note of the Respondent’s – unsupported by evidence – assertion that he had acquired the disputed domain name for unspecified projects related to “the flora of the Chardonnay vineyards” in South Burgundy. The Panel finds that this does not sufficiently explain the Respondent’s choice to select the term “café” in combination with “de” and “flore” which renders the disputed domain name identical to the Complainant’s mark. In the circumstances, the Panel finds that the Respondent’s attempt to sell the disputed domain name to the Complainant does not support a claim of rights or legitimate interests in the disputed domain name.

Moreover, the Complainant has provided evidence showing that the disputed domain name resolved to a parking page displaying pay-per-click links to competitors of the Complainant.

Noting the Complainant’s online presence and the fact that the Respondent is located in France, where the Complainant’s café has a long-lasting reputation, 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, the Panel notes that the Respondent seems either to have registered and used the disputed domain name to sell it to the Complainant at a profit or to intentionally attempt to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Mark (which are two illustrative examples of bad faith enumerated in the Policy).

The current non-use of the disputed domain name does not change the Panel’s finding of the Respondent’s bad faith in this case.

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 <cafedeflore.com> be transferred to the Complainant.

*/Louis-Bernard Buchman/*

**Louis-Bernard Buchman**

Sole Panelist

Date: January 29, 2026