

ADMINISTRATIVE PANEL DECISION

Somfy Activites SA v. beats
Case No. D2025-4777

1. The Parties

The Complainant is Somfy Activites SA, France, represented by Cabinet Lavoix, France.

The Respondent is beats, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <somfy.net> is registered with Megazone Corp., dba HOSTING.KR (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on November 18, 2025. The Complainant requested therein that the proceeding be in English. On November 18, 2025, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On November 21, 2025, the Registrar transmitted to the Center its verification response confirming that the Respondent is listed as the registrant, providing the contact details, and stating that the language of the Registration Agreement for the disputed domain name is Korean.

The Center verified that the 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, in both Korean and English, formally notified the Respondent of the Complaint, and the proceeding commenced on November 24, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was December 14, 2025. The Respondent did not submit any response. Accordingly, on December 16, 2025, the Center notified the Respondent's default.

The Center appointed Professor Ilhyung Lee as the sole panelist in this matter on December 22, 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 identifies itself as a French company that is “specialized in the field of automation of openings and closures of houses and buildings”. One of the Complainant’s websites prominently advertises its “[m]otorization and automated solutions for window coverings and exterior shading products”. The Complainant owns a number of SOMFY marks for its various products, which are registered in several jurisdictions, including France (registration number 1,713,401, registered on May 22, 1992). The Complainant states that it also owns multiple International Registrations for the SOMFY mark, including one (registration number 818,886, registered on July 29, 2003) that designates the Republic of Korea, among several other jurisdictions.

The Complainant is also the registrant of multiple domain names that it uses for its operations, including <somfy.com> (registered on May 12, 1998), <somfy.fr> (registered on January 14, 1997), <somfysystems.com> (registered on September 29, 1997), and <somfy-group.com> (registered on May 27, 2002).

The disputed domain name <somfy.net> was registered on July 4, 2010. The disputed domain name resolves to a website with pay-per-click links, one of which reads “Somfy Products”.

5. Parties’ Contentions

A. Complainant

The Complainant contends principally that: (i) the disputed domain name is identical or confusingly similar to a 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. In addition, the Complaint states, inter alia:

“SOMFY ACTIVITES SA is operating in 58 countries around the world through its 117 subsidiaries”

“In the past few years, the Complainant has been the target of many attempts of fraudulent reservation of domain names.”

“The Respondent is not a licensee of the Complainant and has not been authorized to use the Complainant’s trademarks SOMFY or to apply for any domain name incorporating the term SOMFY.”

“It appears that there are numerous prior UDRP decisions against the Respondent ... and involving the same Registrar that were held before”

“The website in relation to the disputed domain name leads to a parking page that redirects to the Complainant’s direct competitor’s websites and therefore, damaging its reputation.”

“[T]he disputed domain [name] <somfy.net> is fraudulent and is used in bad faith by cybercriminals whose purpose is to steer customers away from the Complainant’s and unlawfully redirect it to direct competitors of the Complainant.”

“On the website [for the disputed domain name], the Respondent offers the domain name for sale by auction.... On October 15, 2025, the Complainant, as the rightful owner of the disputed domain name, attempted to purchase it by making an offer of USD 900, corresponding to the starting bid amount. However, on the following day, the seller made a counter-offer of the amount of USD 39,000. This amount is manifestly excessive and clearly evidences full awareness by the Respondent of the value and reputation of the Complainant’s trademark and therefore, demonstrates the Respondent’s bad faith.”

“By registering and using the disputed domain name, the Respondent 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 website or location.”

B. Respondent

The Respondent did not reply to the Complainant’s contentions. Under paragraphs 5(f) and 14(a) of the Rules, the Panel may decide the dispute based on the Complaint. Paragraph 14(b) allows the Panel to draw appropriate inferences from the Respondent’s default.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

Paragraph 11(a) of the Rules provides that the language of the registration agreement shall be the language of the administrative proceeding, unless otherwise agreed by the parties or specified in the registration agreement. This provision also states that the determination of the proper language is “subject to the authority of the Panel ..., having regard to the circumstances of the administrative proceeding”. Here, although the language of the Registration Agreement is Korean, the Complaint was filed in English.

The Complainant requested that English be the language of the proceeding, stating that the Respondent is proficient in the English language and that “if the Complaint has to be submitted in Korean, substantial additional expenses and delay for the resolution of the dispute would likely be incurred for the Complainant”.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1.

Here, in the Center’s notification to the Respondent of the Complaint, the Center informed the Respondent of the pertinent provisions of paragraph 11(a) of the Rules and the Complainant’s request that English be the language of the proceeding. The Center also explicitly stated (and provided a Korean translation for):

“Accordingly, the Respondent may submit any comments on the Complainant’s proposed language of the proceedings in its Response.

The Response may be filed in either Korean or English.

The Center will seek to appoint a Panel familiar with both languages mentioned above.”

The Respondent did not respond and has defaulted.

Considering all relevant circumstances, the Panel determines that the language of the proceeding shall be English.

6.2. Substantive Issues

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 demonstrated rights in respect of a trademark or service mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Complainant's SOMFY mark appears in full and unaltered in the disputed domain name <somfy.net>. The Panel determines that the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domain ("gTLD") ".net", a technical registration requirement, is disregarded in the consideration of this element. [WIPO Overview 3.0](#), section 1.11.1.

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 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.

Here, the Complainant states that it has not authorized the Respondent to use the SOMFY mark and has met its initial burden of making a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances that may demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Respondent has defaulted. It 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 is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

The Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainant must show that the disputed domain name "has been registered and is being used in bad faith". Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances that can satisfy this element. Other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Complainant suggests that bad faith is present under paragraph 4(b)(i) of the Policy, given the Respondent's "manifestly excessive" price for selling the dispute domain name to the Complainant. The Panel notes, however, that the Complainant did not provide any documentary evidence of the correspondence between the Parties.

The Complainant also states that “[t]he website in relation to the disputed domain name leads to a parking page that redirects to the Complainant’s direct competitor’s websites”, alleging bad faith under paragraph 4(b)(iv) of the Policy. This is evidence of bad faith.

In all events, the disputed domain name resolves to a website featuring pay-per-click links related to the Complainant and its competitors. This is also evidence of bad faith. [WIPO Overview 3.0](#), section 3.5. In this regard, the Panel notes the relative distinctiveness of the Complainant’s mark, the failure of the Respondent to submit a Response or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good faith use to which the disputed domain name may be put.

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 <somfy.net> be transferred to the Complainant.

/Ilhyung Lee/

Ilhyung Lee

Sole Panelist

Date: January 5, 2026