

## **ADMINISTRATIVE PANEL DECISION**

Société par Actions Simplifiée Etablissements Horticoles Georges Truffaut v.  
Jon Som

Case No. D2025-4839

### **1. The Parties**

The Complainant is Société par Actions Simplifiée Etablissements Horticoles Georges Truffaut, France, represented by MIIP MADE IN IP, France.

The Respondent is Jon som, Singapore.

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

The disputed domain name <truffaut-plantes.com> is registered with Internetx GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 25, 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 / Admin Contact, PrivateName Services Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 25, 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 25, 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 December 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 22, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on December 26, 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**

According to information in the Complaint, the Complainant is a French company operating in the field of garden stores and plantes. It has 63 stores in France located all over the country.

The Complainant is the owner of several TRUFFAUT trademarks including the following:

- the French trademark TRUFFAUT No. 4637036 (figurative), registered on November 6, 2020, designating goods and services in international classes 1, 8, 16, 17, 19, 20, 21, 25, 31 and 35; and
- the French trademark TRUFFAUT No. 3808138 (word), registered on June 17, 2011, designating services in international class 35.

The Complainant has registered the domain name <truffaut.com> since May 3, 1999 that it uses as its official website.

There is no information known about the Respondent apart from the details provided by the Registrar.

The disputed domain name was registered on March 14, 2025, and it resolves to a website that purports to offer competing goods with those of the Complainant at reduced prices.

#### **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 the disputed domain name identically reproduces the Complainant's mark TRUFFAUT with the addition of the term "plantes". The Complainant contends that the trademark TRUFFAUT is highly distinctive as it refers to the name of the founder of the company – Georges Truffaut - and it has no meaning in French nor English. Moreover, the addition of "plantes", which describes the Complainant's products, is more likely to increase confusion.

With respect to the second element, the Complainant argues that it has not authorized, licensed, or permitted the Respondent to use any of its trademarks, or to apply for, or use any domain name incorporating the TRUFFAUT trademarks. Moreover, there is no business relationship existing between the Complainant and the Respondent. The Respondent is using the Complainant's mark to sell competing products, namely the Respondent uses the disputed domain name to direct users to its marketing and sales site from which the Respondent sells its own products.

As regards the third element, the Complainant submits that almost 200 years after the opening of the first "Etablissement Truffaut" in Versailles, France, and with more than 65 stores in France, the Complainant has become one of the leaders of the garden center business, therefore it seems unlikely and implausible that the Respondent was unaware of the activities of the Complainant and of the existence of its trademarks TRUFFAUT at the time the registration of the disputed domain name was made. The disputed domain name is pointing to a website which offers plants for sale, which clearly demonstrates that the Respondent has clear intention to take advantage of the Complainant's notoriety. In addition, the Complainant points to a fake address of the Respondent that is mentioned on the website at the disputed domain name. Moreover,

the Complainant submits that the Respondent has previously registered several domains names identical or similar to third parties' trademarks without any authorization, which clearly demonstrates that the Respondent has engaged in a pattern of trademark-abusive domain name registrations.

## **B. Respondent**

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

## **6. Discussion and Findings**

No response has been received from the Respondent in this case. The Center has employed the required means to achieve actual notice of the Complaint to the Respondent, in compliance with the Rules, paragraph 2(a), and the Respondent was given a fair opportunity to present its case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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.

### **A. Identical or Confusingly Similar**

Under paragraph 4(a)(i) of the Policy, the Complainant must prove that it has rights to a trademark, and that the disputed domain name is identical or confusingly similar to that trademark. This first element under the Policy functions primarily as a standing requirement. [WIPO Overview 3.0](#), section 1.7.

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

As regards the second limb of the first element, the test for confusing similarity involves a reasoned but relatively straightforward comparison between the trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7. It is well established that the generic Top-Level Domain ("gTLD") may be ignored when assessing the confusing similarity between the disputed domain name and the Complainant's trademarks as it is viewed as a standard registration requirement. See section 1.11.1 of the [WIPO Overview 3.0](#).

The entirety of the mark is reproduced 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, "plantes") and a hyphen 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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. 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 confusingly similar disputed domain name directs Internet users to an active website in the French language, purportedly offering competing goods, without any disclaimer regarding the lack of its relationship with the Complainant. On the contrary, it claims on the bottom of the website at the disputed domain name to be a company (without identifying a company name) located in France, where the Complainant is also located, albeit using what appears to be a fake address, as the unrebutted statements from the Complainant show that the postal code does not correspond to the location on the webpage. The Complainant contends that it has never licensed or otherwise permitted the Respondent to use its trademark, in a domain name or otherwise, and the Respondent failed to bring evidence to the contrary. In the Panel’s view, the Respondent’s use of the disputed domain name in the above circumstances is not in connection with a bona fide offering of goods or services as contemplated by the first circumstance of paragraph 4(c) of the Policy and fails to meet the applicable requirements of the “Ok! Data test”.<sup>1</sup> [WIPO Overview 3.0](#), section 2.8.

The Panel finds, on the balance of probabilities, that the composition of the disputed domain name, that includes the Complainant’s trademark together with the term “plantes” (a French equivalent of the English term “plants”) descriptive of the field of the Complainant’s offerings, and the manner in which it is used, affirm the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website.

The Respondent is an individual allegedly named “Jon som” and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but 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.

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<sup>1</sup> *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The disputed domain name was registered many years after the Complainant has obtained registration of its TRUFFAUT trademarks. The disputed domain name is confusingly similar to the Complainant's trademark and it includes "plantes", which evokes the Complainant's goods. The disputed domain name is used to allegedly offer competing goods at discounted prices. Under these circumstances, it is most likely that the Respondent was aware of the Complainant's trademark at the registration of the disputed domain name and sought to take advantage of it.

The website at the disputed domain name - which combines the Complainant's mark and a term descriptive of its products - offers competing goods to those of the Complainant with no disclaimer regarding the lack of a relationship between the Respondent and the Complainant. The Internet users would likely have been confused as to the source of the products or services offered on such website. Therefore, the Panel considers that paragraph 4(b)(iv) of the Policy has direct bearing to the present case: "(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to his website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the said website location or of a product or service on that website location."

Also, there appears to be a pattern of abusive registrations by the Respondent, as the unrebutted evidence in the case file shows that the Respondent was involved in at least one previous UDRP proceeding where similar facts led the concerned UDRP panel to decide in favor of the complainant (See *Matinkim Inc. v. Jon som*, WIPO Case No. [D2025-2815](#)). This fact also supports a finding grounded on paragraph 4(b)(ii) of the Policy, referring to a respondent registering "the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct".

Moreover, the Respondent has not participated in these proceedings and has failed to rebut the Complainant's contentions or provide any evidence of actual or contemplated good-faith use. In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name.

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 <truffaut-plantes.com> be transferred to the Complainant.

/Mihaela Maravela/

**Mihaela Maravela**

Sole Panelist

Date: January 9, 2026