

## **ADMINISTRATIVE PANEL DECISION**

**DELSEY v. Domain Administrator, Fundacion Privacy Services LTD**  
**Case No. D2025-5084**

### **1. The Parties**

The Complainant is DELSEY, France, represented by Domgate, France.

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

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

The disputed domain name <delseyluggage.com> is registered with Media Elite Holdings Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 8, 2025. On December 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 15, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 formally notified the Respondent of the Complaint, and the proceedings commenced on December 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 19, 2026.

The Center appointed Kathryn Lee as the sole panelist in this matter on January 23, 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 is a French premium luggage manufacturer founded in 1946. In the 1970s, the Complainant pioneered the offering of luggage with an ultra-resistant rigid shell, and subsequently introduced suitcases with retractable wheels. The Complainant received the Red Dot Design awards in 2020 and 2022 for innovations in backpack and suitcase technology. The Complainant sells its products online through its own website at “www.delsey.com” and in more than 6,500 offline locations in over 110 countries, through department stores such as Galeries Lafayette, Harrods, Dubai Mall, Macy’s, and Mitsukoshi, as well as through multi-brand boutiques, and its own exclusive stores. In 2022, the Complainant reported net global sales of approximately EUR 207 million worldwide.

The Complainant owns a number of trademark registrations for DELSEY, including International Trademark Registration Number 638334A, registered on June 26, 1995; European Union Trademark Registration Number 002568509, registered on July 8, 2003; and International Trademark Registration Number 401887, registered on October 26, 1973.

The Respondent appears to be an entity with an address in Panama.

The disputed domain name was registered on February 8, 2004. At the time of filing of the Complaint, the disputed domain name has at times been linked to different websites, some of which are commercial, or else, to websites displaying security warning messages.

#### **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 is confusingly similar to the DELSEY mark in which it has registrations since the disputed domain name is composed of DELSEY followed by the word “luggage” which is generic and common.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that DELSEY is a coined term created by combining the names of its founders, Delahaye and Seynhaeve, and that the Respondent surely knew of the Complainant and its marks when it acquired the disputed domain name. Further, the Complainant contends that the Respondent seeks to disrupt the Complainant’s business, or to make an unfair commercial gain from the sales revenues generated on its commercial website.

##### **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 or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

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, "luggage" – 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.

Moreover, "UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner." WIPO Overview 3.0, section 2.5.1. Here, the additional term "luggage" suggests sponsorship or endorsement by the Complainant whose main product is luggage.

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 disputed domain name is composed of the Complainant's famous DELSEY trademark and the term "luggage" which refers to the very product of the Complainant. Given the fame of the Complainant and its trademark, the composition of the disputed domain name cannot have been a mere coincidence. Given the use of the disputed domain name for dynamic redirections to different third-party websites, including commercial websites, it is more likely than not that the Respondent acquired the disputed domain name in order to attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the websites redirected from the disputed domain name.

Further, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, the failure of the Respondent to submit a response to the Complainant, the Respondent's lack of a response to the Complainant's cease and desist letter, the Respondent's concealing of its identity, and the implausibility of any good faith use to which the disputed domain name may be put, and finds bad faith on the part of the Respondent in registration and use of the disputed domain name, given the circumstances of this case.

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 <delseyluggage.com> be transferred to the Complainant.

*/Kathryn Lee/*

**Kathryn Lee**

Sole Panelist

Date: February 3, 2026