

ADMINISTRATIVE PANEL DECISION

Atelier De Production Et De Creation (A.P.C.) v. niu bi
Case No. D2025-5254

1. The Parties

The Complainant is Atelier De Production Et De Creation (A.P.C.), France, represented by Casalonga Avocats, France.

The Respondent is niu bi, China.

2. The Domain Name and Registrar

The disputed domain name <apcstore.shop> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 16, 2025. On December 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 18, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 18, 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 December 22, 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 14, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on January 21, 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

According to information in the Complaint, the Complainant is a French fashion brand created in 1987, selling its creations of minimalist and casual style clothing and accessories. The Complainant is present throughout the world with more than 80 of its own stores in Paris, New York, Los Angeles, London, Sydney, Hong Kong, China, Berlin, Copenhagen, and Tokyo and 300 points of sale in multi-brand stores (notably Bon Marché, Galeries Lafayette, and Printemps Haussman).

The Complainant is the owner of several trademark registrations for A.P.C., including:

- European trademark registration No. 006843205 for A.P.C. filed on April 9, 2008, and registered on September 22, 2009, for goods in classes 14, 18, and 25, duly renewed;
- International trademark registration No. 1099666 for A.P.C., designating inter alia China, filed and registered on September 21, 2011, for products in classes 3, 9, and 24, duly renewed.

The Complainant has registered the domain name <apc.fr> since January 7, 1996, which it uses as its official website.

The disputed domain name was registered on April 8, 2025, and does not resolve to an active website.

No information is available on the Respondent except for the information made available by the Registrar.

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 reproduces entirely and identically the verbal element of the Complainant's prior trademark. The fact that the disputed domain name does not contain the punctuation character after each letter of the Complainant's trademark constitutes a very minor difference which is not able to reduce the likelihood of confusion between the disputed domain name and the Complainant's trademark. The addition of the generic word "store" to the Complainant's trademark will increase the likelihood of confusion among Internet users, as "store" is commonly used in the retail industry of many countries to designate a type of store where manufacturers sell products directly to consumers at discounted prices. Further, the disputed domain name is also identical or almost identical to the Complainant's prior domain names <apcstore.co.uk> and <apcstore.de>.

As regards the second element, the Complainant argues that it has no relationship whatsoever with the Respondent. No license, permission nor authorization to use A.P.C. was ever granted to the Respondent by the Complainant. Further, the disputed domain name does not include the name of the Respondent or a name that is otherwise commonly used to identify the Respondent, and nothing in the information provided by the registrar indicates that the Respondent is or has been commonly known by the disputed domain name. The disputed domain name resolves to an inaccessible website and does not redirect to any content, and it is likely that Internet users, believing that they are accessing official/authorized reseller website, will buy assumed genuine products although these products will be counterfeiting products, which is highly detrimental for the Complainant and its reputation.

With respect to the third element, the Complainant submits that its trademarks are well-known trademarks that have been extensively used for more than 30 years in the field of clothing, bags and accessories, in France and abroad and they were registered long before the disputed domain name was registered by the Respondent. There can be no doubt that the Respondent knew or should have known about the existence of the Complainant's trademarks. The disputed domain name includes the Complainant's trademark merely followed by the word "store", which demonstrates the Respondent's attempt to take unfair advantage of Internet users who may think that it is an official website (of) or a website affiliated to the Complainant. Furthermore, the email address and telephone number of the Respondent are associated to fraudulent websites.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No response has been received from the Respondent in this case. 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.

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.

The Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

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 A.P.C. 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 has also long been held that generic Top-Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. 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. The fact that the disputed domain name does not contain the punctuation character after each letter of the Complainant's trademark represents a very minor difference which has no relevance for the determination of confusing similarity between the disputed domain name and the Complainant's trademark A.P.C.

Although the addition of other terms (here, "store") 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.

There is no evidence in the record that the Respondent is currently using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. The Respondent is allegedly called "niu bi" 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 Respondent has not replied to the Complainant's contentions, claiming any 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.

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.

According to the un rebutted assertions of the Complainant, it has used A.P.C. as its trademark for more than 30 years, it has a strong international presence through its own stores and through points of sale in

multi-brand stores, and has an Internet presence for more than 20 years. The disputed domain name is confusingly similar to the Complainant's trademark reproducing the A.P.C. trademark together with the term "store". Under these circumstances, it is most likely that the Respondent was aware of the Complainant's trademark at the registration date of the disputed domain name. The Respondent provided no explanation for why he registered the disputed domain name.

With regards to the use, the disputed domain name is passively held. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Moreover, the Respondent has not formally participated in these proceedings and has failed to rebut the Complainant's contentions and to provide any evidence of actual or contemplated good faith use.

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 <apcstore.shop> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: February 4, 2026