

ADMINISTRATIVE PANEL DECISION

La Fournee Doree - LFD v. Drew Tenski

Case No. D2025-5425

1. The Parties

The Complainant is La Fournee Doree - LFD, France, represented by MEYER & Partenaires, France.

The Respondent is Drew Tenski, Germany.

2. The Domain Name and Registrar

The disputed domain name <lafdusa.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 29, 2025. On December 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 30, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 30, 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 amendment to the Complaint on December 31, 2025.

The Center verified that the Complaint together with the amendment to 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 January 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 4, 2026.

The Center appointed Luca Barbero as the sole panelist in this matter on February 11, 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 company which is part of a group that operates since 1997 in the food industry, more precisely traditional sweet and salty French products, such as brioche, bread and burger buns.

The Complainant is the third largest operator on the French bakery products market. It owns six factories located in France (four) and in Canada (two) and exports its products under the brands LA FOURNÉE DOREE, and BRIOCHE GOURMET to more than 35 countries or through partnerships with leading quality brands.

To support its communications and sales in North America, the Complainant has also established a local company in the United States of America ("US") in 2017, located in New York.

The Complainant has provided evidence of ownership of the US trademark registration No. 6732070 for LA FOURNÉE DORÉE (figurative mark), filed on September 27, 2018, and registered on May 24, 2022, in International Class 30 (Annex G1 to the Complaint).

The Complainant's affiliated company La Fournée Dorée Lorraine – LFDL is the holder of the following trademark registrations (Annexes G2 through G4 to the Complaint):

- European Union trademark registration No. 001477769 for LA FOURNÉE DORÉE (figurative mark), filed on January 27, 2000, and registered on April 9, 2001, in Classes 30 and 42;
- European Union trademark registration No. 004552279 for LA FOURNÉE DOREE (word mark), filed on July 20, 2005, and registered on August 7, 2006, in Class 30;
- International Trademark registration No. 976704 for LA FOURNÉE DOREE (word mark), registered on August 29, 2008, in in Class 30.

The Complainant is the owner, amongst others, of the domain name <lafourneedoree.fr>, registered on February 23, 2000, and resolved to the website "www.lafourneedoree.fr", operated by the Complainant and used to promote LA FOURNÉE DORÉE products online. The Complainant's website is written in French but also provides an English translation for the Complainant's international customers.

The Complainant also owns the domain name <lfdusa.com>, registered on July 12, 2018, and used by the Complainant's US affiliated company La Fournée Dorée USA, Corp. in connection with its emailing system.

The disputed domain name <lafdusa.com> was registered on November 17, 2025, and is currently not pointed to an active website. Based on the screenshot submitted as Annexes E and F to the Complaint—which has not been contested by the Respondent—prior to the present proceeding, the disputed domain name was pointed to a parking page with sponsored links and had mail exchange ("MX") and sender policy framework ("SPF") records configured, allowing the disputed domain name to be used for sending and receiving emails via "@lafdusa.com" email addresses. The Respondent has used the disputed domain name to send fraudulent emails impersonating the Complainant.

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 states that it has rights on the trademark LA FOURNÉE DORÉE based on its trademark registrations cited above. The Complainant also claims that the Complainant and its affiliated US company La Fournée Dorée USA, Corp. own unregistered trademark rights in LFD and LFD USA, respectively. With reference to the latter, the Complainant submits that the employees of the Complainant's US affiliated company and the related customers recognize LFD USA as an acronym of the Complainant's trademark LA FOURNÉE DORÉE considering the use of the domain name <lfdusa.com> for all the business email addresses of the US company.

The Complainant contends that the disputed domain name is confusingly similar to its registered and unregistered trademarks LA FOURNÉE DORÉE and LFD as well as to the company name La Fournée Dorée USA, Corp., the mark LFD USA and the domain name <lfdusa.com>, since the disputed domain name encompasses the acronym of LA FOURNÉE DORÉE and the terms LFD and LFD USA with the mere addition of a single letter "a" and the generic Top Level Domain ("gTLD") ".com".

Indeed, the Complainant emphasizes that the presence of the geographical indicator "usa" in the disputed domain name refers to the territory of US, where the Complainant's affiliated company is in business and is registered and where the Complainant has trademark rights, and submits that this geographical indicator immediately reminds users of the Complainant and its associated US company.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent is in no way connected or affiliated with the Complainant nor has it ever received any authorization, license, or consent, whether express or implied, to use the Complainant's trademark in the disputed domain name or in any other manner.

The Complainant also states that the Respondent is not commonly known by the disputed domain name.

The Complainant submits that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use, since the Respondent has been pointing the disputed domain name to a parking page with pay-per-click links to third party websites and has configured the disputed domain name with MX and SPF records, enabling the use of email addresses ending with @lafdusa.com, falsely suggesting an affiliation with the Complainant's trademark LA FOURNÉE DORÉE and the Complainant's affiliated company La Fournée Dorée USA, Corp., which uses email addresses based on the domain name <lfdusa.com>.

The Complainant submits as Annex E to the Complaint copy of an email communication sent from an email address based on the disputed domain name, in which an employee of La Fournée Dorée USA, Corp. was impersonated and the recipient was requested to update the bank account information of the company for the upcoming payments and bank transfers. Based on such correspondence, the Complainant submits that the disputed domain name has been used for illegal activities and concludes that, in view of such use, the Respondent cannot claim any legitimate interest in the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainant indicates that, considering i) the disputed domain name incorporates the acronym of the Complainant's trademark "LFD" and is almost identical to its domain name <lfdusa.com>; and ii) the Respondent used the disputed domain name to send scam emails impersonating an existing employee of the Complainant's affiliate in the US, the disputed domain name was registered for the sole purpose of referring to the Complainant's US company and its employee.

Moreover, the Complainant contends that, considering the Respondent's use of the disputed domain name in connection with the sending of scam emails aimed at misleading Internet users, by impersonating the Complainant's US affiliate and requesting recipients to replace bank details for the company with those provided by the sender, the Respondent clearly acted in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall 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." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. Indeed, the Complainant has provided evidence of ownership of a national trademark registration for LA FOURNÉE DORÉE (figurative mark). [WIPO Overview 3.1](#), section 1.2.1. Since the design elements in the mark cannot be represented in a domain name, the Panel will disregard them for the purpose of assessing identity or confusing similarity under the first element. [WIPO Overview 3.1](#), section 1.10.

The Panel finds the Complainant's mark LA FOURNÉE DORÉE is recognizable within the disputed domain name, as the disputed domain name reproduces the first letters "l", "f" and "d" of the words composing the mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. The Panel also took note of a fraudulent email sent from an email address based on the disputed domain name (Annex E to the Complaint) to confirm confusing similarity. [WIPO Overview 3.1](#), sections 1.7 and 1.15.

See, along these lines, *Globant España S.A. v. 312312 3123, A Sa Da Sheng De*, WIPO Case No. [D2025-4057](#), where the Panel found that the complainant's trademark GLOBANT was recognizable within the domain name <glb-finance.com> and concluded that the domain name was confusingly similar to the complainant's trademark also in light of the previous content of the website associated with the disputed domain name.

Although the addition of the letter "a" and the term "usa" may bear on assessment of the second and third elements, the Panel finds such addition does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

As to the gTLD “.com”, it is a standard registration requirement and can be disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), 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 3.1](#), 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.

According to the evidence on record, there is no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name. Moreover, there is no element from which the Panel could infer the Respondent’s rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Furthermore, there is no evidence showing that the Respondent made use of or preparations to use the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial use without intention to misleadingly divert consumers or to tarnish the LA FOURNÉE DORÉE mark or its associated acronyms LFD or LFD USA. Indeed, according to the records, the Respondent pointed the disputed domain name to a parking page with commercial links leading to third party websites and configured the disputed domain name with MX and SPF records, enabling the use of email addresses ending with @lafdusa.com, apt to suggest an affiliation with the Complainant’s trademark LA FOURNÉE DORÉE, the US company La Fournée Dorée USA, Corp. and its emailing system built on the domain name <lfidusa.com>, thereby creating a likelihood of confusion and association with the Complainant and its trademark.

Moreover, the Complainant has submitted evidence of use of the disputed domain name in connection with the sending of email communications impersonating an employee of the Complainant’s US affiliated company and requesting customers to change the bank coordinates for payments due to such company. The Panel finds that such evidence shows that the Respondent intended to use the disputed domain name for impersonation and phishing purposes. Panels have held that the use of a domain name for illegal activity such as passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Therefore, the Panel finds the second element of the Policy has also 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 finds that, in light of: i) the prior registration and use of the LA FOURNÉE DORÉE trademark in connection with the Complainant's activity in the food industry and namely in the production and sale of traditional sweet and salty French bakery products; ii) the use of the domain name <lfidusa.com>, almost identical to the disputed domain name, by the Complainant's US affiliated company; and iii) the Respondent's use of the disputed domain name in connection with email communications used to impersonate the Complainant's US affiliate and one of its employees, the Respondent was clearly aware of, and intended to target, the Complainant and its US affiliated company through the registration and use of the disputed domain name.

Panels have held that the use of a domain name for illegal activity here, claimed passing off and attempted fraud, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Moreover, the Complainant submitted a screenshot showing that, prior to this proceeding, the disputed domain name resolved to a parking page with sponsored links. Therefore, the Panel finds that the Respondent also registered the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark, according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <lafidusa.com> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: February 25, 2026