

ADMINISTRATIVE PANEL DECISION

HGD Group v. 代振生 (Zhen Sheng Dai)

Case No. D2026-0115

1. The Parties

The Complainant is HGD Group, France, represented by Atlan & Boksenbaum, France.

The Respondent is 代振生 (Zhen Sheng Dai), China.

2. The Domain Name and Registrar

The disputed domain name <frgerarddarel.com> (the “Disputed Domain Name”) is registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 12, 2026. On January 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 14, 2026, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 15, 2026, 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 in English to the Complaint on January 16, 2026.

On January 15, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreement for the Disputed Domain Name is Chinese. On January 15, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on January 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 9, 2026.

The Center appointed Andrew Sim as the sole panelist in this matter on February 16, 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 "Société par actions simplifiée" with the Company number 813 917 515 (R.C.S. Paris).

The Complainant holds registered trademarks for GERARD DAREL (the "GERARD DAREL Trademark") in various jurisdictions around the world:

Jurisdiction	Mark	Registration Number	Registration Date	Class Covered	Status
International	"GERARD DAREL"	482697	February 8, 1984	3, 14, 18, and 25	Registered
France	GERARD DAREL	1698728	October 11, 1991	3, 14, 18, and 25	Registered
United States of America	GERARD DAREL	1336785	May 21, 1985	25	Registered

The Complainant has licensed the GERARD DAREL Trademark to DS Fashion Group, a company affiliated with the Complainant ("DS Fashion"). DS Fashion is in charge of the creation and manufacturing of the ready-to-wear goods as well as leather goods under the GERARD DAREL Trademark ("GERARD DAREL Products").

DS Fashion also markets the GERARD DAREL Products, via the website "www.gerarddarel.com" resolved from the primary domain name <gerarddarel.com> (the "Official Website"), operated by its subsidiary On Line SAS, and through 170 points of sale in France, operated by its other subsidiary GD Distribution. Upon the Panel's own visit to the Official Website, the GERARD DAREL Trademark is displayed prominently within the header of the Official Website.

The Disputed Domain Name, <frgerarddarel.com>, was registered on August 12, 2025. Based on the Complainant's evidence, it resolved to a website (the "Respondent's Website") that prominently displayed the Complainant's GERARD DAREL Trademark, purportedly offered to sell articles of ready-to-wear goods and accessories bearing the GERARD DAREL Trademark, and used photos from the Official Website.

Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant's name, postal address, telephone number, fax number, and email address.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the Disputed Domain Name.

First, the Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's GERARD DAREL Trademark and its primary domain name <gerarddarel.com>, as the radical of the Disputed Domain Name identically reproduces the Complainant's GERARD DAREL Trademark and the radical of its primary domain name <gerarddarel.com>. The content of the Respondent's Website as described in section 4 above is also constitutive of counterfeiting.

Second, the Complainant contends that the Respondent lacks rights or legitimate interests in the Disputed Domain Name and is making a non-legitimate and unfair use of the Disputed Domain Name with the intent of commercial gain by misleadingly diverting consumers or by tarnishing the GERARD DAREL Trademark. The Respondent unduly benefits from the success of the GERARD DAREL products and the international notoriety of the GERARD DAREL Trademark by using the GERARD DAREL Trademark in the Disputed Domain Name and on the Respondent's website, and by offering products under the GERARD DAREL Trademark at deceptive prices.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith, namely for the purpose of disrupting the business of the Complainant. By using the Disputed Domain Name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's Website, by creating a likelihood of confusion with the GERARD DAREL Trademark.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- (a) The Respondent has a certain level of knowledge of English, as (i) the Disputed Domain Name is registered using Latin characters, and (ii) the Respondent's Website contains certain elements in English; and
- (b) Conducting the proceeding in the Respondent's native language (i.e., Chinese) would be unfairly disadvantageous to the Complainant, both in terms of costs and substance, if it were required to translate the Complaint and all supporting documents into Chinese, whereas English would be a neutral language that is neither the native language of the Complainant nor the Respondent.

The Respondent did not make any specific submissions with respect to the language of the proceeding. This is despite the fact that the Center had sent the notification of the Complaint which includes instructions on the language of the proceeding to the Respondent in both Chinese and English.

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 ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

- (a) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (c) the Disputed Domain Name has been registered and is being used in bad faith.

For the below reasons, support for the Complaint can be found due to the satisfaction of the three conditions for the Disputed Domain Name.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the GERARD DAREL Trademark is reproduced within the Disputed Domain Name. Although the addition of the letters "fr" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the GERARD DAREL Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.8. The generic Top-Level Domain ".com" is typically disregarded in the confusingly similarity test. [WIPO Overview 3.1](#), sections 1.11.1.

Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's GERARD DAREL Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. 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.

From the overall appearance of the Respondent’s Website as described in section 4 above, the Panel finds that the Respondent’s Website is being used for illegal or illegitimate activities as the Respondent’s Website is clearly an illegal imitation of the Complainant’s Official Website. Panels have held that the use of a domain name for illegal activity, such as claimed passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Particularly in regards to the three illustrative examples of legitimate interests in paragraph 4(c) of the Policy, the Panel finds that:

- (i) the Respondent has not used the Disputed Domain Name in connection with a bona fide offering of goods and services, as the Panel has ruled that the Respondent’s Website is being used for illegal or illegitimate activities;
- (ii) the Disputed Domain Name does not correspond with the Respondent’s name (i.e., “Zhen Sheng Dai (代振生)”), and there is no evidence of the Respondent operating any business or organization with similar name as the Disputed Domain Name; and
- (iii) the Respondent’s use of the Disputed Domain Name does not fall within the scope of legitimate noncommercial or fair use, as the Respondent’s Website is being used for illegal or illegitimate activities.

The Panel also finds that the Respondent has no rights or legitimate interests to use the Complainant’s GERARD DAREL Trademark.

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.

The Panel finds that the circumstances of registering and using the Disputed Domain Name clearly demonstrate the Respondent’s bad faith and have constituted the situation as specified in paragraph 4(b)(iv) of the Policy:

- (a) The Complainant’s GERARD DAREL Trademark has been registered since 1984, long before the Respondent’s registration of the Disputed Domain Name which is confusingly similar to the Complainant’s GERARD DAREL Trademark, and also similar to its primary domain name <gerarddarel.com>;

(b) The Panel finds that the Respondent must have had actual knowledge of the Complainant and the GERARD DAREL Trademark, or at the very least, should have known of the GERARD DAREL Trademark at the time of registering the Disputed Domain Name, as (i) the GERARD DAREL Trademark is reproduced in its entirety on the Respondent's Website, and (ii) photos from the Official Website are used on the Respondent's Website;

(c) Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.1](#), section 3.1.4. Given the long period of registration of the GERARD DAREL Trademark by the Complainant and the non-affiliation between the Complainant and the Respondent, the Panel accepts that the presumption of bad faith is applicable;

(d) As earlier found in section 6.2B above that the Respondent's Website is being used for illegal or illegitimate activities, bad faith is manifestly apparent. [WIPO Overview 3.1](#), section 3.4; and

(e) There is no reasonable connection or association between the Respondent and the Disputed Domain Name.

Inference of bad faith is also drawn in accordance with paragraph 14(b) of the Rules for the Respondent's failure to file a response as required in paragraph 5(a) of the Rules in the absence of exceptional circumstances.

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 <frgerarddarel.com> be cancelled.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: February 26, 2026