

ADMINISTRATIVE PANEL DECISION

JJA v. Riverars Brenda

Case No. D2026-0213

1. The Parties

The Complainant is JJA, France, represented by Dennemeyer & Associates S.A., Luxembourg.

The Respondent is Riverars Brenda, United States of America.

2. The Domain Name and Registrar

The disputed domain name <hesperideremise.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 20, 2026. On January 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 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 21, 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 amended Complaint on January 22, 2026.

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 January 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 13, 2026.

The Center appointed Mireille Buydens as the sole panelist in this matter on February 17, 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, trading internationally. Founded in 1976 as a family business, it has grown into a medium-sized enterprise active in-home furnishings and décor. The Complainant notably markets garden-furniture products (including tables, chairs, deckchairs, dining sets, parasols, and barbecues) under the HESPERIDE brand.

The Complainant owns numerous trademark registrations in various jurisdictions for HESPERIDE (hereafter “the HESPERIDE Trademark” or “the Trademark”), including:

- International Registration No. 1044063, for HESPERIDE (word and figurative mark), registered on January 27, 2010
- European Union Registration No. 010379196, for HESPERIDE (word mark), registered on April 30, 2012.

The Complainant also owns various domain names, including <hesperide.com> (registered on July 31, 2008), and <hesperide.fr> (registered on November 25, 2015), both resolving to the Complainant’s Hesperide website.

The disputed domain name was registered on October 22, 2025. According to the Complaint, the disputed domain name resolves to a website in French offering garden furniture identical to those of the Complainant, at reduced prices. At the date of this decision, the disputed domain name still resolves to a website in French offering garden-furniture products which are identical or at least very similar to the products offered on the Complainant’s official website.

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.

First, the Complainant contends that the disputed domain name is confusingly similar to the HESPERIDE Trademark, which predates its registration, as it is composed of the Complainant’s HESPERIDE Trademark, with the addition of the descriptive term “remise” (which means “discount” in French). The generic Top-Level Domain (“gTLD”) “.com” is not to be taken into consideration when examining the identity or similarity between the Complainant’s Trademark and the disputed domain name.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has no legitimate right to the name “HESPERIDE” which is the Complainant’s Trademark. The Complainant has not licensed or otherwise authorized the Respondent to use its Trademark or to apply for any domain name incorporating the Trademark. Further, there is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. Consumers may mistakenly believe they are visiting the Complainant’s official website or an affiliated site, as the website under the disputed domain name features official images of the Complainant’s products, along with the HESPERIDE Trademark and the names of the Complainant’s products, and offers identical products at lower prices.

The Complainant finally contends that the Respondent registered and uses the disputed domain name in bad faith. Concerning the registration in bad faith, the Complainant contends that the Respondent should have known the Complainant and its Trademark because it is well-known in the field of garden furniture and because a simple on-line search would have revealed the existence of the Complainant and its HESPERIDE Trademark. Besides, the Complainant contends that the Respondent was aware of the Complainant's Trademark when the disputed domain name was registered, as it refers to a website reproducing the Complainant's products. Concerning the use in bad faith, the Complainant asserts that the Respondent is using the disputed domain name in bad faith because it uses it to direct Internet users to a website displaying images of the Complainant's products and selling identical products. The Respondent thereby misleads Internet users into falsely believing that the disputed domain name is a domain name operated and/or authorized by the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant prove each of the following three elements in order to succeed in its Complaint:

- (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 was 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 Selected UDRP Questions, Third Edition ("[WIPO Overview 3.1](#)"), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the entirety of the HESPERIDE Trademark is reproduced within the disputed domain name. The only difference between the HESPERIDE Trademark and the disputed domain name is the addition of the term "remise". Although the addition of this term 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 Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Further, the gTLD ".com" is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the HESPERIDE Trademark.

Accordingly, the disputed domain name is confusingly similar to the HESPERIDE Trademark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

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.

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 Complaint, which is not contradicted by the Respondent, the Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either.

On the contrary, the Panel notes that the disputed domain name reproduces the HESPERIDE Trademark with the mere addition of the term “remise”, which is the French word for “discount”, while the website under the disputed domain name is precisely offering the same products as the Complainant but at discounted prices. As a result, the disputed domain name carries a risk of implied affiliation, which cannot constitute fair use.

The Panel further notes the impersonating nature of the content exhibited on the website at the disputed domain name, as (1) this website offers garden furniture identical or at least very similar to the furniture offered on the Complainant’s official websites, (2) the website under the disputed domain name, which is in French, as the Complainant’s official website, displays pictures of products that are identical to pictures on the Complainant’s website and (3) the website under the disputed domain name does not disclose its (lack of) relationship with the Complainant, nor the company behind it. As a result, the Respondent induces Internet users into falsely believing that the disputed domain name resolves to a website operated or endorsed by the Complainant. Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Concerning the registration, the Panel notes that the Respondent has composed the disputed domain name by combining the Complainant's HESPERIDE Trademark with the term "remise", which means "discount" in French, for operating a website offering products that are identical to the Complainant's products at lower prices. A quick search for the term "hesperide" online, in relation with garden furniture, would have revealed to the Respondent the existence of the Complainant and its HESPERIDE Trademark. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.1](#) section 3.2.2.

Concerning the use in bad faith, panels have held that the use of a domain name for illegitimate activity, here impersonating or passing off, constitutes bad faith. In the present case, as noted above, the disputed domain name resolves to a website offering garden furniture which are identical or at least very similar to the products sold by the Complainant. Some of the pictures on the website are identical to pictures on the Complainant's website and some products names are also identical. Besides, the Respondent, which uses the Complainant's Trademark in the disputed domain name, does not disclose its (lack of) relationship with the Complainant, nor the name of the company operating the website. As a result, the Respondent passes itself off as the Complainant. In light of this, it seems inconceivable that the Respondent would have registered and used the disputed domain name for a reason other than seeking to unduly benefit from the Complainant, its HESPERIDE Trademark, and associated goodwill.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <hesperideremise.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: February 20, 2026