

ADMINISTRATIVE PANEL DECISION

Somfy Activites SA v. Mehdi NOUAM, SUNZA
Case No. D2026-0492

1. The Parties

The Complainant is Somfy Activites SA, France, represented by Cabinet Lavoix, France.

The Respondent is Mehdi NOUAM, SUNZA, France.

2. The Domain Name and Registrar

The disputed domain name <somfyx.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 5, 2026. On February 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 (Contact Privacy Inc. Customer 0175776997) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 February 10, 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 February 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 4, 2026.

The Center appointed Marie-Emmanuelle Haas as the sole panelist in this matter on March 9, 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.

On March 24, 2026, the Respondent sent an email communication to the Center in French.

4. Factual Background

Founded in 1975, SOMFY ACTIVITES SA is a world-renowned group listed on the stock exchange. It is specialized in the field of automation of openings and closures of houses and buildings. Nowadays, SOMFY ACTIVITES SA is operating in 59 countries around the world through its 117 subsidiaries.

It produces more than 20 million motors per year for the general public and professionals (2020 data), with global sales of EUR 1,513 million in 2024.

The Complainant owns a wide range of trademarks registered all around the world and encompassing the verbal element "SOMFY", including for example the following trademarks:

- International trademark SOMFY n° 448984 registered on November 8, 1979 in classes 7 and 9;
- International trademark SOMFY n° 583699 registered on March 25, 1992 in classes 7 and 9;
- International trademark SOMFY n° 818886 registered on July 29, 2003 in class 9;
- European Union ("EU") trademark SOMFY n° 012191367 registered on February 27, 2014 in classes 6, 7, 9, 16, 19, 35, 36, 37, 38, 41, 42 and 45.

It is also the registrant of domain names composed with the SOMFY trademark. Its official website is available at "www.somfy.fr".

The Respondent's contact details mention an address in France and an organization name "Sunza".

The disputed domain name <somfyx.com> was registered on July 30, 2025, and resolves to a website error 1001.

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.

Notably, the Complainant contends that the disputed domain name <somfyx.com> is confusingly similar to its SOMFY trademark, according to paragraph 4(a)(i) of the Policy.

The disputed domain name <somfyx.com> reproduces entirely the verbal element "SOMFY" of the Complainant's trademark. The term SOMFY is a coined word, therefore, this trademark is highly distinctive in relation with the claimed goods and services.

The addition of the letter "x" is not to be perceived by the consumers, or if it is, is not perceived as differentiating the disputed domain name from the SOMFY trademark.

On the absence of rights or legitimate interests

The Respondent is not a licensee of the Complainant and has not been authorized to use the SOMFY trademark or to apply for any domain name incorporating this trademark.

To the Complainant's best knowledge, there is no plausible explanation for the Respondent's registration of the disputed domain name.

Therefore, the Complainant has established a prima facie case that the Respondent has no right and legitimate interest in the disputed domain name.

On bad faith registration and use

The disputed domain name completely incorporates the Complainant's trademarks and was acquired long after the trademarks SOMFY were registered.

The Complainant explains that prior decisions even recognize the reputation of the SOMFY trademark.

Moreover, as a French citizen or at least living in France, it is virtually impossible that the Respondent was not aware of the Complainant's activities, at the time it registered the disputed domain name.

By registering and using the disputed domain name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The Complainant relies on the passive holding doctrine.

The disputed domain name <somfyx.com> is undeniably detrimental to the reputation of the Complainant due to its pornographic connotation related to the addition of the letter "x" to the SOMFY trademark.

Although there is currently no website linked to this disputed domain name, it cannot be excluded that, in the future, it may be used for websites sharing adult-related content.

The Registrant has hidden its identity by using an anonymization company offering confidentiality services.

B. Respondent

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

The Respondent sent an email communication on March 24, 2026, well after the Response due date.

The Panel decides not to take it into account as it was filed very late, and it would not have changed the decision's outcome as the Respondent's allegations are not supported by evidence

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 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. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the addition of the letter “x” does not prevent a finding of confusing similarity between the disputed domain name and the SOMFY mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds that the SOMFY trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the SOMFY 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.

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the disputed domain name by demonstrating any of the following:

- (i) before any notice to it of the dispute, the Respondent’s use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or
- (iii) the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that 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.

The Respondent was not authorized to use or register the disputed domain name, and neither made any bona fide use of this disputed domain name (or demonstrable plans for such use), nor any legitimate noncommercial or fair use. Moreover, it is not being commonly known by 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:

- (i) circumstances indicating that the Respondent has registered, or the Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

In the present case, the Panel notes that the Respondent, who is domiciled in France, could not ignore the Complainant's well-known SOMFY trademark, when it decided to register the disputed domain name.

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 3.1](#), section 3.2.1.

Panels have found that the non-use of a domain name, including a blank or "coming soon" page, would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and the reputation of the Complainant's trademark, the composition of the disputed domain name, adding the letter "x" to the SOMFY trademark, the use of a privacy service for hiding the name of an organization 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.

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 <somfyx.com> be cancelled.

/Marie-Emmanuelle Haas/

Marie-Emmanuelle Haas

Sole Panelist

Date: March 25, 2026