ADMINISTRATIVE PANEL DECISION

IRO v. Marvin Pacheco, IRO
Case No. D2026-1142

1. The Parties

The Complainant is IRO, France, represented by Fiducial Legal By Lamy, France.

The Respondent is Marvin Pacheco, IRO, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <irobrand.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 March 17, 2026. On March 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 0177133968") and contact information in the Complaint. The Center sent an email communication to the Complainant on March 19, 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 March 24, 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 March 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 17, 2026.

The Center appointed Jeremy Speres as the sole panelist in this matter on April 23, 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 has, since 2005, traded in clothing apparel and accessories under the IRO mark and variants such as IRO.JEANS and IRO.LIFE, which it sells via numerous stores in Europe, North America, Asia, and Africa, and online from its website hosted at its domain name <iroparis.com> (registered in 2012). The Complainant's IRO mark has been recognized as being well known within its industry by prior panels under the Policy. See, for example, *IRO v. Gvch Oncs*, WIPO Case No. D2023-0932.

The Complainant owns trademark registrations for various IRO-incorporating marks, including International Trademark Registration No. 1074025 IRO (word) in class 25, having a registration date of March 22, 2011, designating, amongst others, the United States.

The disputed domain name was registered on January 12, 2026, and presently resolves to an "Error 1001" page. The Complainant's evidence establishes that the disputed domain name previously resolved to a Shopify website stating "IRO Opening soon", including a newsletter signup form.

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 was registered and has been used in bad faith in order to take advantage of confusion with the Complainant and its mark for the commercial gain of the Respondent.

B. Respondent

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

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 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 3.1, section 1.7.

Although the addition of other terms (here, "brand") 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 3.1, 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 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 Panel notes that the Respondent's organization name within the WhoIs record for the disputed domain name is "IRO", and paragraph 4(c)(ii) of the Policy may thus be relevant. However, the Respondent has not presented any evidence that would meet its burden of production in this respect.

The Complainant's evidence shows that the disputed domain name previously resolved to a Shopify website stating "IRO Opening soon". Therefore, the disputed domain name has not been actively used for a bona fide offering of goods or services nor a legitimate noncommercial or fair use under paragraphs 4(c)(i) and (iii) of the Policy. For the reasons discussed in relation to bad faith below, it is likely that the Respondent registered the disputed domain name to take advantage of confusion with the Complainant's mark, which cannot confer rights or legitimate interests.

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered the disputed domain name with the intent to take advantage of confusion with the Complainant's mark.

The Complainant's IRO mark is well known within its industry. Internet searches for the Complainant's IRO mark[1], as well as for the Second-Level portion of the disputed domain name, "irobrand", return results that prominently feature the Complainant, including as the first result.

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[1] In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. WIPO Overview 3.1, section 4.8.

The inclusion of “brand” within the composition of the disputed domain name, adjacent to the Complainant’s IRO mark, clearly points to the Respondent having had an IRO brand in mind. Given that the Complainant’s IRO brand is the most prominent IRO brand, at least among Internet search results, this suggests targeting of the Complainant.

The Complainant operates stores within the Respondent’s jurisdiction of the United States, and, especially given the reputation of the Complainant’s mark, as such it is quite plausible that the Respondent was aware of the Complainant’s brand prior to registration of the disputed domain name.

The resolution of the disputed domain name to a Shopify website stating “IRO Opening soon” suggests that the Respondent intended to open a store selling IRO branded products. Considered together with the reputation of the Complainant’s mark, the fact that the Complainant itself operates an online store, and the composition of the disputed domain name incorporating “brand”, it is difficult to conceive of any plausible good-faith use of the disputed domain name that would not create confusion. Although the disputed domain name has not been actively used, this points to bad faith under the doctrine of passive holding. WIPO Overview 3.1, section 3.3.

In the circumstances of this case, the Panel draws an adverse inference from the Respondent’s failure to take part in the present proceeding where an explanation is certainly called for. WIPO Overview 3.1, section 4.3.

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 <irobrand.com> be transferred to the Complainant.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: May 7, 2026