

## ADMINISTRATIVE PANEL DECISION

JARDILAND v. PH D  
Case No. D2026-1337

### 1. The Parties

The Complainant is JARDILAND, France, represented by Fidal, France.

The Respondent is PH D, France.

### 2. The Domain Name and Registrar

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

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 27, 2026. On March 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 31, 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 April 2, 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 to the Complaint on April 7, 2026.

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 April 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2026. The Respondent sent an email communication to the Center on April 18, 2026.

The Center appointed Elise Dufour as the sole panelist in this matter on May 14, 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 specializing in the distribution of gardening, pet and home decor products. It operates a network of approximately 200 stores, including more than one hundred company-owned outlets, and runs an e-commerce platform accessible at “www.jardiland.com”. The Complainant’s company name JARDILAND has been registered with the Paris Trade and Companies Register since June 14, 1988.

The Complainant has provided evidence of ownership of an extensive portfolio of trademarks consisting of, or comprising, JARDILAND, including the following representative registrations:

- French trademark registration No. 4708286 for JARDILAND (figurative mark), filed on December 3, 2020, registered on June 18, 2021, in International Classes 1 to 9, 10, 11, 13, 16 to 22, 24 to 33, 35 to 45;
- International trademark registration No. 1627350 for JARDILAND (figurative mark), registered on June 2, 2021, in Classes 1, 5, 7, 8, 18, 20, 31, 35 and 44, designating, amongst others, the European Union, Switzerland, Canada, Monaco, Morocco, China, the United Kingdom and the OAPI countries;
- International trademark registration No. 1268138 for JARDILAND (word mark), registered on April 14, 2015, in Classes 1, 5, 7, 31, 35 and 44, designating, amongst others, the European Union, Switzerland, China and Morocco;
- French trademark registration No. 1676626 for JARDILAND, filed on July 23, 1981.

The Complainant is also the owner of an extensive portfolio of domain names reproducing or containing the JARDILAND trademark, including the domain name <jardiland.com>, registered on January 12, 2000, and through which the Complainant operates its main e-commerce platform.

The disputed domain name was registered on January 2, 2026.

The Complainant has provided evidence that the disputed domain name initially resolved to a redirection to the domain name <jardinage.dev>, which displayed a website headed “Jardinage.dev – L’Art du Développement Naturel” presenting content related to gardening activities.

The disputed domain name subsequently resolved to a website headed “Jardiland.dev – L’Art du Développement Naturel” featuring an image associating gardening tools, plants and computer servers, with sections referring to “philosophie du jardinage Tech”, “pratiques durables” and “communauté de jardiniers Tech”. At the date of this decision, the disputed domain name does not resolve to an active website.

Prior to the filing of the Complaint, the Complainant’s representatives sent several cease-and-desist communications to the Registrar (on January 9, 12, and 29, 2026), requesting the suspension and transfer of the disputed domain name.

No substantive response was received from the Respondent.

#### **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.

The Complainant submits that the disputed domain name is identical to its JARDILAND trademark, as it reproduces the trademark in its entirety, the only difference being the generic Top-Level Domain (“gTLD”) “.dev”, which must be disregarded for the purposes of the first element assessment.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. There is no business or legal relationship between the Complainant and the Respondent, and the Respondent has not been authorized to use the JARDILAND trademark in any manner.

The Respondent is not commonly known by the disputed domain name. The use of the disputed domain name to redirect users to a website offering services in the gardening field – i.e., the Complainant's field of activity – does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. Given the strong reputation of the JARDILAND trademark in France, established for decades and acknowledged by the French courts, the Respondent could not have been unaware of the Complainant's rights when registering the disputed domain name. The Respondent's use of the disputed domain name to host or redirect to content related to gardening activities, combined with the use of a privacy shield and the absence of any response to the cease-and-desist letters, evidences the Respondent's intent to take undue advantage of the goodwill attached to the Complainant's trademark and to create a likelihood of confusion as to the source or affiliation of the disputed domain name.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions. On April 18, 2026, the Respondent submitted an email indicating that he was "willing to resolve this matter amicably and consent to the transfer of the disputed domain name to the Complainant".

## **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 the JARDILAND trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Panel notes in particular the International trademark registration No. 1627350, the International trademark registration No. 1268138 and the French trademark registration No. 4708286, all of which predate the registration of the disputed domain name.

The entirety of the JARDILAND trademark is reproduced within the disputed domain name, the sole difference being the gTLD ".dev". It is well established that the applicable gTLD in a domain name is viewed as a standard registration requirement and as such is generally disregarded under the first element confusing similarity test, including with regard to new gTLDs such as ".dev".

Accordingly, the Panel finds that the disputed domain name is identical to the trademark in which the Complainant has rights.

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 non-exhaustive list of circumstances in which a respondent may demonstrate rights or legitimate interests in a 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.

There is no relationship, disclosed to the Panel or otherwise apparent from the record, between the Complainant and the Respondent. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise been authorized to make use of the Complainant’s trademark. There is no element from which the Panel could infer that the Respondent has been commonly known by the disputed domain name; the available registration data identifies the registrant only as “Withheld for Privacy ehf”, and the Respondent has not provided any further identifying information.

The Panel further finds 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 within the meaning of paragraph 4(c) of the Policy. The disputed domain name initially redirected to a website operated under the domain name <jardinage.dev>, the content of which relates to gardening activities falling squarely within the Complainant’s field of business.

The disputed domain name subsequently resolved to a website displaying content under the heading “Jardiland.dev – L’Art du Développement Naturel”, deliberately playing on the association between “jardin” (gardening) and the “.dev” extension. The disputed domain name now appears to resolve to an error page. None of these uses can be regarded as legitimate within the meaning of the Policy, as they trade on the goodwill attached to the Complainant’s trademark to attract Internet users.

Furthermore, the composition of the disputed domain name, which is identical to the Complainant’s JARDILAND trademark, carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

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

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

On the question of registration in bad faith, the Panel notes that the JARDILAND trademark is a distinctive coined term, without any descriptive or dictionary meaning, that has been used by the Complainant for decades in connection with its activities. The reputation of the JARDILAND trademark in France has been judicially acknowledged by the Paris Court of Appeal (judgment of November 6, 2002) and has been recognized by previous UDRP panels (*Jardiland v. Ilio Store*, *Jardinand*, WIPO Case No. [D2020-5195](#); *Jardiland v. Mostafa Hamzaoui*, *TurNet IT*, WIPO Case No. [D2025-1793](#)).

Given the distinctiveness and reputation of the JARDILAND trademark, the long-standing use of the corresponding domain name <jardiland.com> by the Complainant (registered in 2000), and the fact that the disputed domain name resolved or redirected to websites whose content relates to the Complainant's field of activity (gardening), the Panel finds that the Respondent could not credibly have been unaware of the Complainant and its trademark at the time of registration of the disputed domain name on January 2, 2026. The Panel infers that the Respondent registered the disputed domain name with knowledge of, and with the intention of taking unfair advantage of, the Complainant's rights. See [WIPO Overview 3.1](#), section 3.2.2.

As to use in bad faith, the available record discloses the following circumstances: (i) the disputed domain name initially redirected Internet users to a website operated under the domain name <jardinage.dev>, displaying content relating to gardening, i.e., the Complainant's core business; (ii) the disputed domain name subsequently resolved to a website displaying content that deliberately combined references to gardening and to information technology development, exploiting the visual identity between the disputed domain name and the Complainant's trademark; (iii) at the date of this decision, the disputed domain name resolves to an error page; (iv) the Respondent has used a privacy service to conceal its identity; and (v) the Respondent failed to respond to the Complainant's repeated cease-and-desist communications and did not file any Response in these proceedings.

The Panel finds that, by using the disputed domain name in the manner described above, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website, within the meaning of paragraph 4(b)(iv) of the Policy.

To the extent that the disputed domain name currently resolves to an error page, the Panel further notes that panels have consistently held that the non-use of a domain name (including a blank, error or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. In the present case, the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name (which is identical to the JARDILAND trademark), the Respondent's use of a privacy service, the Respondent's failure to respond to the cease-and-desist letters or to file a Response, and the implausibility of any good-faith use of the disputed domain name, all support a finding of bad faith use.

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

## **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 <jardiland.dev> be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: May 21, 2026