

## **ADMINISTRATIVE PANEL DECISION**

JJA v. bai bai

Case No. D2026-1472

### **1. The Parties**

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

The Respondent is bai bai, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <hesperidesale.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 7, 2026. On April 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 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 9, 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 April 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 April 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 4, 2026.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on May 8, 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 an international company, based in France. Founded in 1976, the Complainant offers a comprehensive range of products in the home furnishings and decor sectors.

The Complainant owns numerous trademarks consisting of the term HESPERIDE, such as:

- French trademark No. 09 3 677 077 that was registered on March 26, 2010 with a priority date as of September 17, 2009 in classes 6, 11, 18, 19 and 20.
- International trademark registration No. 1044063 that was registered on January 27, 2010 in classes 6, 11, 18, 19 and 20 of the Nice Classification, whose scope of protection expands to numerous countries, including the European Union, Mexico, Switzerland, China, Russian Federation, among others.
- European Union Trade Mark No. 010379196 that was registered on April 30, 2012 with a priority date as of October 28, 2011 in classes 6, 11, 16 to 21, and 35.

The Complainant further owns several domain names to carry out its online activities, notably <hesperide.com> that was registered on July 31, 2008 as well as <hesperide.fr> that was registered on November 25, 2015.

On March 25, 2026, the Respondent registered the disputed domain name. The disputed domain name relates to a website that replicates the Complainant's official website, including by reproducing the Complainant's trademark, goods and images.

#### **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 is confusingly similar to its trademark, as it entirely incorporates such trademark, and that the addition of the term "sale", which is descriptive, clearly demonstrates an intent to redirect users to an active website displaying the Complainant's products and furniture offered at reduced prices.

The Complainant further is of the view that Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never authorized or licensed the Respondent to use its trademark, and the Respondent does not make any legitimate use of the disputed domain name. According to the Complainant, it is clear that the Respondent has misappropriated copyrighted images from the Complainant's website and accordingly is not doing a legitimate use of the dispute domain name.

Finally, the Complainant affirms that the disputed domain name was registered and is being used in bad faith. In the Complainant's view, there is no doubt that the Respondent was aware of the Complainant's trademark when it registered the disputed domain name, as it refers to a website reproducing the Complainant's goods and trademarks. Such a use amounts to a use in bad faith.

##### **B. Respondent**

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

## 6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “[...] decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a 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 has been 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 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 “sale” 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 disputed domain name is used for a website offering for sale the Complainant's products at significantly discounted prices, reproducing the Complainant's trademark, goods and copyrighted images, obviously all without indicating its lack of relationship with the Complainant. Such use does not amount to a bona fide offering.

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.

In the present case, the Panel notes that the Respondent was obviously aware of the Complainant's trademark when it registered the dispute domain name, as evidenced by the copying of the Complainant's trademark and product images on the website attached to 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.

The Panel finds the use of the disputed domain name indicates the Respondent's intention to mislead Internet users into believing that the website is operated by the Complainant, which constitutes 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.

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 <hesperidesale.com> be transferred to the Complainant.

*/Philippe Gilliéron/*

**Philippe Gilliéron**

Sole Panelist

Date: May 21, 2026