ADMINISTRATIVE PANEL DECISION

JJA v. Caudill RebeccaJ
Case No. D2026-1563

1. The Parties

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

The Respondent is Caudill RebeccaJ, United States of America.

2. The Domain Name and Registrar

The disputed domain name <hesperidemagasin.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 April 14, 2026. On April 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 15, 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 17, 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 21, 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 paragraphs 2 and 4 of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 22, 2026. In accordance with paragraph 5 of the Rules, the due date for Response was May 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 20, 2026.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on May 28, 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 paragraph 7 of the Rules.

4. Factual Background

The Complainant, founded in 1976, offers a comprehensive range of products in the home furnishings and decor sectors. The Complainant is the owner of the trademarks for HESPERIDE, including HESPÉRIDE (collectively the “HESPERIDE Trademark”) specialized in garden furniture: table, chair, deckchair dining set, parasol, barbecue etc., and registered worldwide since the 2000s, including International Registration No. 1044063 for HESPÉRIDE (registered on January 27, 2010) and European Union Trade Mark No. 010379196 for HESPERIDE (registered on April 30, 2012).

The Complainant owns numerous domain names, including <hesperide.com> (registered on July 31, 2008) and <hesperide.fr> (registered on November 25, 2015).

The disputed domain name was registered on April 1, 2026. The disputed domain name resolves to an active website prominently displaying the Complainant’s design mark, furniture and products, offered at significantly discounted prices.

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’s contentions may be summarized as follows:

The test of identity or confusing similarity under the Policy is confined to a comparison of the disputed domain name and the trademark alone, independent of the products for which the disputed domain name is used or other marketing and use factors, usually considered in trademark infringement. The disputed domain name is highly confusing to the HESPERIDE Trademark in which the Complainant has earlier rights. The addition of the French term “magasin” which means “shop” does not prevent a finding of confusing similarity. On the contrary, it reinforces the false impression that the disputed domain name designates an official retail store of the Complainant.

The Complainant has not licensed or otherwise authorized the Respondent to use its HESPERIDE Trademark or to apply for any domain name incorporating the HESPERIDE Trademark. There is, as well, no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, especially since it resolves to a website that reproduces the Complainant’s trademark and sells the Complainant’s goods at low prices. Consumers may mistakenly believe they are visiting the Complainant’s official website or an affiliated site, as the website features official images of the Complainant’s products, along with the HESPERIDE Trademark and the names of the Complainant’s products, all reproduced without authorization from the Complainant. It is clear that the Respondent has misappropriated copyrighted images from the Complainant’s website and accordingly is not making a legitimate use of the dispute domain name. The Respondent does not hold any prior rights, neither in her name (Caudill Rebecca J) nor in the name of her company (NIL).

The bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark. The disputed domain name incorporates the Complainant’s HESPERIDE Trademark in its entirety and without any distinguishing elements, thereby needlessly, and falsely, giving the impression that the website to which the disputed domain name directs Internet users is authorized or connected to the Complainant. It is clear that the Complainant and its trademarks are wellknown in its field of activity and that the Respondent must have had knowledge of the Complainant´s rights when it registered the disputed domain name. There is obviously a likelihood of confusion created by the Respondent at directing Internet users to a website that uses official images of the Complainant. This constitutes inevitably a bad faith attempt to trade on the goodwill and reputation of the Complainant's HESPERIDE Trademarks. There can be no plausible explanation for the Respondent's selection of the HESPERIDE Trademark as part of the disputed domain name other than to misleadingly divert Internet users to its website for commercial gain. Consumers seeking genuine products from the Complainant on the Internet may be attracted to the disputed domain name, which incorporates the Complainant's HESPERIDE Trademark. They are likely to be misled into believing that the website is the official site of the Complainant or that the Respondent is affiliated with or authorized by the Complainant to sell its products, which is not true.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, the Complainant must show the following three elements to obtain the transfer of the disputed domain name:

(i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and

(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 in paragraph 4(a) of the Policy 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 (see section 1.7 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1")).

The Complainant has shown rights in respect of the HESPERIDE Trademark for the purposes of the Policy (see section 1.2.1 of the WIPO Overview 3.1).

The disputed domain name is composed of the Complainant's HESPERIDE Trademark in its entirety, with the addition of the French term "magasin" which means "shop", along with the generic Top-Level Domain ("gTLD") ".com".

The HESPERIDE Trademark is recognizable within the disputed domain name. The addition of other terms to the HESPERIDE Trademark does not prevent a finding of confusing similarity between the disputed domain name and the HESPERIDE Trademark under the first element in paragraph 4(a) of the Policy (see section 1.8 of the WIPO Overview 3.1; see also *Guess? IP Holder L.P. v. Yuan Jing Cai*, WIPO Case No. D2018-0539 (<guess-magasin.com>)).

Moreover, it is well established that the applicable gTLD in a domain name is viewed as a standard registration requirement and as such is disregarded for assessing the confusing similarity under the first element in paragraph 4(a) of the Policy (see section 1.11.1 of the WIPO Overview 3.1).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's HESPERIDE Trademark and the first element in paragraph 4(a) 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.

As the Complainant asserts, there is no evidence that the Respondent holds any prior rights in respect of the disputed domain name or the HESPERIDE Trademark. The Complainant has never licensed nor authorized the Respondent to use its HESPERIDE Trademark or to apply for any domain name incorporating the HESPERIDE Trademark. The Respondent is not considered to be making a legitimate noncommercial or fair use of the disputed domain name stipulated by paragraph 4(c)(iii) of the Policy.

The disputed domain name resolves to a website that passes off the Complainant by reproducing its trademark and copyrighted content while offering similar products at discounted prices. The Respondent's use of the disputed domain name does not represent a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy because the Respondent capitalizes on the reputation and goodwill of the Complainant's HESPERIDE Trademark (see *JJA v. Forest Paul*, WIPO Case No. D2025-0477). The Respondent's passing off site can never confer rights or legitimate interests in respect of the disputed domain name under paragraph 4(a)(ii) of the Policy (see section 2.13.1 of the WIPO Overview 3.1).

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy 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 in paragraph 4(a) of the Policy (see section 2.1 of the WIPO Overview 3.1).

Having reviewed the available record, the Panel finds that 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.

Consequently, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name and the second element in paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

Due to the distinctiveness and long and extensive international use, the HESPERIDE Trademark is notorious within the home and garden furniture sector. The Panel finds that the composition of the disputed domain name must be targeting the Complainant and its trademark to generate confusion and create a misleading domain name and then the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith (see *JJA v. Domain Admin, TotalDomain Privacy Ltd*, WIPO Case No. D2024-2871).

The Respondent uses copyrighted images of the Complainant's products at the website of the disputed domain name to offer garden furniture at low prices. The Panel finds that the Respondent has intentionally sought to attract users for commercial gain, exploiting the Complainant's goodwill by misleading Internet users regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it, as stated in paragraph 4(b)(iv) of the Policy. This further reinforces the conclusion that the Respondent's actions were undertaken in bad faith, with the intent of deceiving consumers and taking advantage of the Complainant's brand recognition (see *JJA v. Brown Janice*, WIPO Case No. D2025-1569).

The fact that disputed domain name is used for a passing off site of the Complainant's website also constitutes bad faith (see section 3.4 of the WIPO Overview 3.1).

Therefore, the Panel finds that, under the circumstances of this case, the Respondent's registration and use of the disputed domain name constitute bad faith and the third element in paragraph 4(a) 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 <hesperidemagasin.com> be transferred to the Complainant.

/Yuji Yamaguchi/
Yuji Yamaguchi
Sole Panelist
Date: June 11, 2026