

ADMINISTRATIVE PANEL DECISION

Hachette Filipacchi Presse v. joshua newton, jcj media limited
Case No. D2026-2303

1. The Parties

The Complainant is Hachette Filipacchi Presse, France, represented by Novagraaf France, France.

The Respondent is joshua newton, jcj media limited, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <elletoronto.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2026. On May 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 29, 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 (Unknown, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 1, 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 June 4, 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 June 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 29, 2026.

The Center appointed Alexander Duisberg as the sole panelist in this matter on July 3, 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 joint stock company with registered office in Paris, France. The Complainant is the publisher of ELLE, one of the world's largest fashion magazines, with 50 international editions totaling 32 million readers. The ELLE trademark has an internet presence through numerous websites relaying 50 international editions, including "www.elle.com", "www.elle.fr", "www.elle.in", "www.elle.de", and "www.elle.es", with 100 million unique visitors per month on 55 digital platforms. The Complainant licenses the ELLE trademark through a network of around 180 exclusive licensees for a wide range of products and services, including clothing, eyewear, and footwear.

The Complainant is the owner of numerous trademark registrations for the word and figurative mark ELLE, including:

- United States of America trademark registration ELLE No. 0862001, filed on July 24, 1967, and registered on December 17, 1968, in classes 10, 25, and 26;
- European Union trademark registration No. 003566734, filed on October 30, 2003, and registered on August 24, 2007, in classes 18, 24, and 25; and
- Canadian trademark registration ELLE No. TMA997707, filed on January 22, 2016, and registered on May 29, 2018, in class 25.

The ELLE trademark has been recognized as a well-known mark by the European Union Intellectual Property Office ("EUIPO"). UDRP panels have also recognized the well-known character and reputation of the ELLE trademark in several prior UDRP decisions.

The disputed domain name was registered on November 11, 2025.

According to the evidence submitted by the Complainant, the disputed domain name resolved to a website which displayed the Complainant's ELLE trademark with its distinctive stylized font and featured clothing products for sale. The website did not disclose its lack of relationship with the Complainant, implying to Internet users that the website is an official website from the Complainant.

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 states that the disputed domain name wholly incorporates the Complainant's ELLE trademark and is confusingly similar thereto. The Complainant submits that the disputed domain name reproduces its prior rights in the ELLE trademark as its leading element, and that the addition of the geographic term "toronto" does not prevent a finding of confusing similarity, as it is descriptive and appears after the ELLE trademark. Rather, "toronto" would be perceived as a reference to the city of Toronto, reinforcing the impression that the website is an official ELLE website for that city.

The Complainant further states that the Respondent has no rights or legitimate interests in the disputed domain name and has not been licensed or otherwise authorised to use the ELLE trademark. The Complainant submits that the inherently misleading nature of the disputed domain name, which incorporates

its trademark, creates a likelihood of confusion and cannot constitute fair use, as it seeks to impersonate the Complainant. The Respondent's use of the disputed domain name for a website displaying the Complainant's ELLE trademark in its distinctive stylized font, offering clothing products for sale, and reproducing the Complainant's logo without disclosing any lack of relationship with the Complainant, does not constitute a bona fide offering of goods or services.

The Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. Given the worldwide reputation of ELLE magazine, the Respondent could not have been unaware of the Complainant's intellectual property rights when registering the disputed domain name. The Complainant contends that the unauthorised reproduction of the famous ELLE trademark and stylized font shows an intention to imitate the Complainant, take unfair advantage of the reputation of the ELLE trademark, and confuse consumers as to the commercial origin of the website.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or 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.

The Panel acknowledges the consensus view that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.3.

Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding.

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 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 (see *SoftCom Technology Consulting Inc. v. Olariu Romeo/Orv Fin Group S.L.*, WIPO Case No. [D2008-0792](#); and *Gilead Sciences, Inc. v. Cong Truong*, WIPO Case No. [D2025-0008](#)). [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "toronto") 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. (See *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#); and *Swedish Match North Europe AB, Philip Morris International, Inc v. durant Kevin, Host Master, Njalla Okta LLC*, WIPO Case No. [D2026-0081](#).) [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 finds that the disputed domain name carries a risk of implied affiliation with the Complainant. The Respondent created the disputed domain name by combining the Complainant’s ELLE trademark with the geographic term “toronto”, thereby suggesting that the website is an official or authorized regional presence or otherwise affiliated with the Complainant. The disputed domain name resolved to a website purporting to be an official online presence of the Complainant by using the Complainant’s ELLE trademark with its distinctive stylized font without authorization, and featuring clothing products for sale. The Respondent’s website did not disclose its (lack of) relationship with the Complainant. This implies to Internet users interested in the Complainant’s fashion products that the website is an official website from the Complainant, whereas the Respondent did nothing to distinguish the disputed domain name from the Complainant’s trademark (see *Sanofi v. rahil ahmed, rahil foods*, WIPO Case No. [D2025-2234](#)).

Based on the available record, the Panel notes that the Respondent does not own any rights in any trademark which comprises part or all of the disputed domain name and that the Respondent is not commonly known by the disputed domain name. The Complainant has not given its consent for the Respondent to use its registered ELLE trademark in a domain name registration.

Finally, Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation, can never confer rights or legitimate interests on a respondent (see *Lonza Ltd v. Geral Gera, SEGLINK*, WIPO Case No. [D2025-1342](#); *SESSUN v. Samuel Williams Williams*, WIPO Case No. [D2023-2132](#); and *Aspen Insurance Holdings Limited v. Bukayo Ajiboye*, WIPO Case No. [D2023-0669](#)). [WIPO Overview 3.1](#), section 2.13.1.

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.

Panels have held that the use of a domain name to operate a website impersonating a complainant’s official online presence constitutes bad faith registration and use under paragraph 4(b)(iv) of the Policy (see

Skechers U.S.A., Inc. II v. Zhangming Li, WIPO Case No. [D2022-0257](#); and *Bulgari S.p.A. v. Che Kane Jose*, WIPO Case No. [D2023-3212](#)). [WIPO Overview 3.1](#), section 3.4.

In the present case, the Panel notes that the Respondent has registered and used the disputed domain name to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's ELLE trademark. Based on the uncontested evidence, the website at the disputed domain name displayed the Complainant's ELLE trademark using its distinctive font as the logo, creating the false impression that it was an official or authorized online presence of the Complainant. The website did not disclose the Respondent's lack of relationship with the Complainant or otherwise distinguish the disputed domain name from the Complainant.

Panels have confirmed in a variety of UDRP decisions that where a complainant's trademark registrations significantly predate the registration of a disputed domain name and the mark is well known, the mere registration of a confusingly similar domain name by an unaffiliated entity can by itself create a presumption of bad faith, as there is no other plausible reason for such registration, and the respondent may be deemed to be trading on the goodwill of the complainant's mark (see *International Business Machines Corporation (IBM) v. Zachary Silva, Catenact.io*, WIPO Case No. [D2025-1941](#); and *International Business Machines Corporation (IBM) v. Tyler Dikman*, WIPO Case No. [D2025-2376](#)). [WIPO Overview 3.1](#), section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. 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 <elletoronto.com> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: July 17, 2026