ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
JJA v. Lisa Khibodeaux, KhibodeauxLisa
Case No. D2026-2610

1. The Parties

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

The Respondent is Lisa Khibodeaux, KhibodeauxLisa, United States of America.

2. The Domain Name and Registrar

The disputed domain name <fr-mobilierhesperide.com> is registered with GMO Internet, Inc. d/b/a Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 16, 2026. On June 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 17, 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 / Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 19, 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 23, 2026.

The Center appointed Anna Carabelli as the sole panelist in this matter on July 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 the Rules, paragraph 7.

4. Factual Background

Founded in France in 1976 as a family-owned business, the Complainant operates in the home furnishings and home décor sectors and offers a range of products that includes furniture and decorative items. Notably, the Complainant manufactures and markets a line of garden furniture under the HESPERIDE brand.

The Complainant owns several trademark registrations for HESPERIDE in various jurisdictions, including:

- International trademark registration No. 1044063 (figurative), registered on January 27, 2010, in Classes 6, 11, 18, 19, and 20

- European Union trade mark registration No. 010379196 (word), registered on April 30, 2012, in Classes 6, 11, 16, 17, 18, 19, 20, 21, and 35

The Complainant also holds several domain names incorporating the HESPERIDE trademark, including <hesperide.com>, registered on July 31, 2008, and <hesperide.fr>, registered on November 25, 2015, both resolving to the Complainant's official website which is used to promote its products and provide information about its activities.

The disputed domain name was registered on March 21, 2026 and resolves to a website purportedly offering products presented under the Complainant's HESPERIDE trademark.

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 Complainant's HESPERIDE trademark is well-known in its field of activity, as recognized in previous UDRP decisions;

- the disputed domain name is highly confusing to the HESPERIDE trademark in which the Complainant has earlier rights. The disputed domain name consists of the Complainant's HESPERIDE trademark with the addition of the term "mobilier", meaning "furniture" in French, preceded by the letters "fr" which can directly refer to the French consumers.

- the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard the Complainant contends that: (i) the Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name; (ii) the Respondent does not hold any prior rights corresponding to the disputed domain name; and (iii) the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. The disputed domain name resolves to a website that reproduces the Complainant's trademark and sells the Complainant's goods at low prices. The Respondent's website also reproduces official images and product names from the Complainant's website, which constitutes misappropriation of the Complainant's copyrighted materials;

- The disputed domain name was registered and is being used in bad faith, in the attempt to trade on the goodwill and reputation of the Complainant's HESPERIDE trademark. The Respondent must have been aware of the Complainant and its trademark at the time of registration of the disputed domain name. There can be no plausible explanation for the Respondent's selection of the mark HESPERIDE as part of the disputed domain name other than to mislead consumers into believing that the website at the disputed domain name is the Complainant's official website, or that the Respondent is affiliated with or authorized by the Complainant to sell its products, which is not true.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under 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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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 and recognizable 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.

The addition of the Top-Level Domain, such as ".com", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

Although the addition of other terms, here "mobilier" (meaning furniture in French) combined with the element "fr" separated by a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 composition of the disputed domain name (comprising the Complainant's HESPERIDE mark in its entirety) creates a risk of confusion and implied affiliation with the Complainant.

Further, the disputed domain name is being used for a website allegedly offering HESPERIDE branded products and featuring the Complainant's imagery. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and therefore does not give rise to rights or legitimate interests of the Respondent in the disputed domain name.

The Respondent's website does not show any information identifying the Respondent or disclaimer accurately disclosing the Respondent's relationship with the Complainant. On the contrary, the Respondent's website creates a false impression of affiliation with or authorization by the Complainant. Panels have held that the use of a domain name for illegal activity like passing off, as is the case here, can never confer rights or legitimate interests on a respondent. 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.

The Panel accepts that the Complainant's HESPERIDE trademark is well-known in the Complainant's industry, consistent with the findings in previous UDRP decisions in which the Complainant prevailed (see, amongst others, *JJA v. Caudill RebeccaJ*, WIPO Case No. D2026-1563; *JJA v. Harpsteraefr Ronald*, WIPO Case No. D2025-4622; *JJA v. Lopezak Lottie*, WIPO Case No. D2025-3432; *JJA v. Forest Paul*, WIPO Case No. D2025-0477).

In view of the well-known character of the HESPERIDE trademark, it is difficult to believe that the Respondent did not have in mind the Complainant's trademark when registering the disputed domain name. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

The Respondent knew or should have known about the Complainant's trademark when registering the disputed domain name. The composition of the disputed domain name, consisting of the Complainant's exact mark with the addition of the term "mobilier" (meaning furniture in French) and of the element "fr" which could be interpreted as the country code for France, suggests that the Respondent set out to target the Complainant's mark and to deceive users by adopting a confusingly similar domain name, with an intention to divert Internet users to its website for commercial purposes, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website.

Indeed, the content of the Respondent's website at the disputed domain name establishes both the Respondent's actual knowledge of the Complainant's rights and the Respondent's intention to take unfair advantage of those rights.

The disputed domain name resolves to a website allegedly offering HESPERIDE branded products and featuring the Complainant's imagery. On the other hand, the Respondent's lack of affiliation with the Complainant is not disclosed on the said website.

This creates a false impression of endorsement or official connection between the Complainant and the Respondent, particularly noting that the disputed domain name consists of the Complainant's HESPERIDE trademark and the term "mobilier", meaning "furniture", which reinforces rather than dispels an association with the Complainant and its commercial activities.

Furthermore, as noted in Section 6.B of this Decision, the Respondent's website creates a false impression of affiliation with or authorization by the Complainant.

The above is evidence of bad faith under paragraph 4(b)(iv) of the Policy. 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 constitute 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 <fr-mobilierhesperide.com> be transferred to the Complainant.

/Anna Carabelli/
Anna Carabelli
Sole Panelist
Date: August 3, 2026