

ADMINISTRATIVE PANEL DECISION

JJA v. Speery Johnas, Gladstone Parksre
Case No. D2026-2634

1. The Parties

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

The Respondent is Speery Johnas, Gladstone Parksre, United States of America.

2. The Domain Name and Registrar

The disputed domain name <atmospherafr.shop> is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2026. On June 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 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 June 19, 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 24, 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 17, 2026.

The Center appointed David Stone as the sole panelist in this matter on July 22, 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. The Complainant was established in 1976 and offers a range of products in the home furnishing and décor sector.

The Complainant owns, among others, the following trademarks containing the textual elements “Atmosphera Créateur d’intérieur” (the “Mark”):

- **ATMOSPHERA CRÉATEUR D’INTÉRIEUR and design:** International Registration no. 1151354 registered on November 20, 2012 in international classes 4, 11, 14, 16, 18, 20, 21, 23, 24, 26, 27, 34, and 35; and
- **ATMOSPHERA CREATEUR D’INTERIEUR:** European Union trademark registration no. 010493229 registered on June 13, 2012 in international classes 3, 4, 8, 9, 11, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 38, and 41.

The Complainant also owns, among others, the domain names <atmosphera.com> (registered on June 2, 2003) and <atmosphera.fr> (registered on June 10, 2011).

The disputed domain name was created on April 2, 2026. Since the filing of the Complaint, the Respondent has been hosting at the disputed domain name a website that (i) describes itself as “ATMOSPHERA Official Website”; (ii) shows the Complainant’s ATMOSPHERA CREATEUR D’INTERIEUR and design trademark in the top-left hand corner of the website; and (iii) displays the Complainant’s products and purports to offer them for sale at reduced 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.

Under the first element, the Complainant contends that the disputed domain name is highly confusing because it comprises the Complainant’s ATMOSPHERA trademark and the letters “fr”, which will be understood as the country code for “France”. The Complainant says that the addition of “fr” does not prevent a finding of confusing similarity – on the contrary, it is said to reinforce the false impression that the website hosted at the disputed domain name designates an official retail store of the Complainant.

Under the second element, the Complainant contends that it has not licensed or otherwise authorized the Respondent to use its trademark or to apply for any domain name incorporating the trademark. It is also said that there is no evidence that the Respondent is making legitimate noncommercial or fair use of the disputed domain name – especially given the website to which it resolves. The Complainant also contends that the Respondent has no prior rights.

Under the third element, the Complainant contends that the Complainant and its trademarks are well-known in the home furnishing and décor sectors, and that the Respondent must have had knowledge of the Complainant’s rights when it registered the disputed domain name. The Complainant says there can be no plausible explanation for the Respondent’s selection of the mark ATMOSPHERA as part of the disputed domain name other than misleadingly to divert Internet users to its website for commercial gain.

B. Respondent

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

6. Discussion and Findings

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”) states that failure to respond to a complainant’s contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent’s default is not necessarily an admission that the complainant’s claims are true. Thus, although in this case the Respondent has failed to respond to the Complaint, the burden remains with the Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

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 assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. [WIPO Overview 3.1](#), section 1.10.

The dominant feature of the Mark, “ATMOSPHERA”, is reproduced within the disputed domain name, and the Panel therefore finds the Mark is 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.

Although the addition of other term here, “fr”, 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.

Further, the website to which the disputed domain name resolves does not appear to fall under the safeguards of fair use envisioned under section 2.8 of the [WIPO Overview 3.1](#), given there is no prominent disclaimer as to the lack of the website's association with the Complainant – to the contrary, the website claims to be an official website of the Complainant and uses the Mark in the top left of the website where consumers would expect to find the name of the operator of the website.

Furthermore, panels have held that the use of a domain name for illegitimate activity, here claimed copycat sites and passing off, 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.

In the present case, the Panel notes that the Respondent created a website at the disputed domain name which (i) describes itself as "ATMOSPHERA Official Website"; (ii) shows the Complainant's ATMOSPHERA CREATEUR D'INTERIEUR and design trademark in the top-left hand corner of the website; and (iii) displays the Complainant's products and purports to offer them for sale at reduced prices.

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.

Panels have found that evidence of a respondent seeking to cause confusion supports a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark. [WIPO Overview 3.1](#), section 3.1.4.

The Panel finds that the content of the website at the disputed domain name is suggestive of bad faith because it is evidence of the Respondent seeking to cause confusion. The suggestion that the Respondent's website is the official website of the Complainant is false. The broader content of the website shows an intention of the Respondent to confuse and thereby attract Internet users to its website for commercial gain.

Further, panels have held that the use of a domain name for illegitimate activity, here claimed copycat sites, and passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Furthermore, the Respondent has not attempted to refute any of the Complainant's contentions, which casts additional doubt on the nature of its conduct. [WIPO Overview 3.1](#), section 3.2.1.

Having reviewed the record, the Panel concludes that the actions of the Respondent in choosing the disputed domain name were aimed at attracting, for commercial gain, Internet users by creating a likelihood of confusion with the Mark. The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

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 <atmospherafr.shop> be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: August 5, 2026