

ADMINISTRATIVE PANEL DECISION

Fondation du Patrimoine v. Ahmed Eminou
Case No. D2026-2641

1. The Parties

Complainant is Fondation du Patrimoine, France, represented by AARPI Scan Avocats, France.

Respondent is Ahmed Eminou, Mauritania.

2. The Domain Names and Registrar

The disputed domain names <fondationpatrimoine.com> and <fondationpatrimoine.online> (the “Domain Names”) are registered with Network Solutions, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2026. On June 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On June 19, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Perfect Privacy, LLC) and contact information in the Complaint. The Center sent an email to Complainant on June 19, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 17, 2026.

The Center appointed Robert A. Badgley as the sole panelist in this matter on July 30, 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.

Respondent submitted a tardy Response on July 30, 2026. The Response made reference to certain annexes, which were not included with the Response. On August 4, 2026, the Center sent an email to Respondent asking for the annexes. No reply was received.

Complainant submitted a supplemental filing on August 10, 2026. On August 14, 2026, the Panel issued Procedural Order No. 1, which stated:

“The Panel notes that on July 30, 2026, the Respondent submitted a late response. The Respondent mentioned some annexes that were not attached to the Response.

‘On August 10, 2026, the Complainant filed a supplemental filing asking the Panel to disregard the Respondent’s late submission and if the Response was to be accepted, to declare that it was insufficient to establish rights or legitimate interests for the Respondent.’

Pursuant to paragraphs 12 and 10 of the Rules for Uniform Domain Name Dispute Resolution Policy (the ‘Rules’), the Panel invites:

- the Respondent to submit the annexes to the Response to which it refers by August 21, 2026.
- If those are received, the Complainant to comment on those by August 28, 2026.”

Neither Party responded to Procedural Order No. 1.

4. Factual Background

Complainant is a public utility association recognized by a French decree of April 18, 1997. According to Complainant, it was founded in 1996 “to raise funds from sponsors and public partners in order to support the restoration of French heritage”. Complainant’s stated missions are to “reallocate cultural and historical buildings to new functions, especially for cultural facilities”, and to “create, through restoration projects, jobs in the construction and tourism sectors, and contribute to the training and transmission of the know-how of their craftsmen, promoting sustainable spatial planning and ecological transition by preserving heritage”.

Complainant asserts that it supports nearly 3,000 projects each year, and that it has restored approximately 32,000 cultural sites in 25 years. Complainant notes, by way of example, that “the action of FONDATION DU PATRIMOINE made it possible, from the evening of the fire in the cathedral of Notre Dame de Paris on April 15h, 2019, to launch a fundraising for its rebuilding”. Complainant states that it raised funds for this project from approximately 236,000 individuals and 600 companies.

Complainant has owned the domain name <fondation-patrimoine.org> since 2000, and has used that domain name in furtherance of its fundraising and related activities. In 2022, Complainant registered the domain name <fondationpatrimoine.fr>.

Complainant holds several trademark registrations for the mark FONDATION DU PATRIMOINE, including French Reg. No. 3398599, registered on December 8, 2005.

The Domain Names were registered on October 13, 2025. The Domain Names are redirected to a website at <patrimoinemauritanie.com>, which, according to Complainant, “is dedicated to heritage-related content and offers tourism related services, including visits and activities”. The site’s content is primarily in the Arabic language, with some English. There is no French language content at the site.

According to Complainant:

“Moreover, the Complainant has identified a similar domain name, <fondationpatrimoine.mr>, not subject of this Complaint. This domain name also redirects to the same website as the disputed domain names, namely <patrimoinemauritanie.com>. Unlike the disputed domain names, the WHOIS data for <patrimoinemauritanie.com> is not redacted.”

“The Complainant therefore sent a cease-and-desist letter to the registrant’s disclosed email address in an attempt to resolve this matter amicably. Despite several reminders, the registrant never replied.”

According to Respondent:

“The words ‘fondation’ and ‘patrimoine’ are ordinary French words meaning ‘foundation’ and ‘heritage.’ I registered the disputed domain names for use in connection with an independent Mauritanian heritage organisation and its activities relating to the protection, documentation and promotion of Mauritanian cultural heritage.”

“The names were selected because they directly describe the nature and purpose of that Mauritanian organisation. They were not selected because of the Complainant, and I did not register them with the intention of benefiting from the Complainant’s reputation.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

B. Respondent

The upshot of Respondent’s position is reflected above in the “Factual Background” section. Respondent also asserts that the Domain Names “were not registered or used to impersonate, target, exploit, or interfere with the Complainant”.

In addition, Respondent states:

“The websites associated with the disputed domain names clearly relate to a Mauritanian organisation and not to the Complainant. The websites use our own:

- name and organisational identity;
- logos and visual presentation;
- descriptions of our Mauritanian activities;
- photographs and project information;
- contact details;
- geographical references; and
- organisational information.”

“Nothing on the websites claims that our organisation is the Complainant, is connected with the Complainant, or is authorised, sponsored or endorsed by the Complainant.”

“The identity, location and activities displayed on the websites make it clear that they concern a separate Mauritanian heritage initiative.”

Finally, Respondent states: “I did not approach the Complainant to demand payment for the domain names, and the domain names were acquired for actual use by our Mauritanian heritage organisation.”

6. Discussion and Findings

6.1. Untimely Response

In its discretion (as per paragraph 10 of the Rules), the Panel has decided to consider the tardy Response submitted by Respondent. In some respects, the information included in the Response was already known to the Panel, as some of it was included in the Complaint and Complainant’s annexes. The Panel’s decision here may well have been the same even without any input from Respondent. In these circumstances, there seems to be no compelling reason to disregard the admittedly untimely Response submitted here.

6.2. Merits

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to each of the Domain Names:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel concludes, on this undisputed record, Complainant has rights in the trademark FONDATION DU PATRIMOINE through registration and use demonstrated in the record. The Panel also finds that the Domain Names are confusingly similar to that mark. The only difference between the mark and the Domain Names is the omission of the word “du” (French for “of the”). The trademark remains recognizable within the Domain Names despite this minor difference.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

For each of the Domain Names, pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel will not address this element, given its finding below that Complainant has failed to carry its burden of proving bad faith registration and use of the Domain Names. The Panel would have considered addressing this UDRP element, but Respondent's failure to annex documents alluded to in his tardy Response – and his failure to provide them later in response to an email request from the Center and then in response to a Procedural Order from the Panel – gives the Panel pause.

C. Registered and Used in Bad Faith

For each of the Domain Names, paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the record presented here, that Complainant has failed to carry its burden of proving that Respondent more likely than not registered and used the Domain Name in bad faith.

It appears that Respondent is engaged in a legitimate activity in his country, and the website appears to contain no French content. It remains open to question why Respondent would choose a pair of Domain Names comprised of French words which are then redirected to a website lacking any French language content.

It is conceivable that Respondent was aware of Complainant's mark, and thought the traffic to his own main website could be enhanced by virtue of the Domain Names, which are quite similar to that mark. But such a possibility has not, in the Panel's view, risen to the level of being more likely than not based on the record presented here.

In sum, the burden to establish bad faith registration and use of the Domain Names rests with Complainant, and in this case the burden has not been carried.

Complainant has not established Policy paragraph 4(a)(iii).

7. Decision

For the foregoing reasons, the Complaint is denied.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: September 9, 2026