

ADMINISTRATIVE PANEL DECISION

BAL DU MOULIN ROUGE v. Prohaska Inc

Case No. D2026-2674

1. The Parties

The Complainant is Bal Du Moulin Rouge, France, represented by CASALONGA, France.

The Respondent is Prohaska Inc, Lithuania.

2. The Domain Name and Registrar

The disputed domain name <mouilnrouge.com> is registered with Mat Bao Corporation (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2026. On June 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 25, 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 amended Complaints on June 26, 2026 and June 30, 2026.

The Center verified that the Complaint together with the amended Complaints 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 July 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 22, 2026.

The Center appointed David Stone as the sole panelist in this matter on July 27, 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 was established in 1889 to develop a performance concept that is today recognized worldwide as Parisian cabaret under the name “Moulin Rouge”.

The Complainant owns, among others, the following trademark registrations for MOULIN ROUGE (the “Mark”):

- MOULIN ROUGE: International Registration no. 1016676 registered on June 12, 2009 in international classes 3, 9, 11, 14, 16, 18, 20, 21, 24, 25, 32, 33, 41 and 43, designating Australia, Bahrain, Belarus, Switzerland, China, Algeria, Egypt, Iceland, Japan, Kenya, Republic of Korea, Kazakhstan, Liechtenstein, Morocco, Monaco, Montenegro, Madagascar, Namibia, Norway, Oman, Serbia, the Russian Federation, Singapore, Türkiye, Ukraine and Viet Nam;
- MOULIN ROUGE: United States of America trademark registration no. 77585050 registered on March 15, 2011 in international classes 9 and 41; and
- MOULIN ROUGE: European Union trademark registration no. 000110437 registered on November 5, 1998 in international classes 3, 14, 18, 25, 32, 33 and 41.

The Complainant owns, among others, the following domain names: <moulin-rouge.com> registered February 9, 1998 and <moulinrouge.com> registered May 15, 1998.

The disputed domain name was created on April 10, 2026. At the date of this Decision, the disputed domain name returns no data. However, the Complainant has provided evidence that the disputed domain name previously hosted a website that (i) used the Mark repeatedly; and (ii) encouraged users to make reservations to “experience the Moulin Rouge”.

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 incorporates an obvious misspelling of the Mark, resulting from the inversion of the letters “i” and “l” in the word “moulin”, and that such a minor typographical variation does not affect the overall recognizability of the Mark within the disputed domain name. The likelihood of confusion between the Mark and the disputed domain name is said to be enhanced by the well-known character of the Mark and reinforced by the actual use made of the disputed domain name (i.e., hosting a website impersonating the Complainant).

Under the second element, the Complainant contends that the Complainant has no relationship whatsoever with the Respondent: no license, permission or authorization to use the Mark was ever granted to the Respondent by the Complainant. The Complainant also contends that there is no evidence that the Respondent has been commonly known by the disputed domain name or has acquired any trademark or other rights in “moulinrouge”. The Complainant also says that the contact details provided by the Respondent are manifestly inconsistent and the Respondent is the owner of several domain names reproducing or imitating well-known third-party trademarks.

Under the third element, the Complainant contends that the Mark is well known, having been extensively used for more than a century in connection with musical entertainment. The Complainant contends that the Respondent knew or should have known about the existence of the Mark, and the fact that the disputed domain name consists of an obvious misspelling of the Mark confirms that the Respondent had the Mark in mind when registering it.

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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element, including, as here, an inversion of letters. [WIPO Overview 3.1](#), section 1.9. The Panel 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.

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, panels have held that the use of a domain name for illegitimate activity, here a claimed copycat site, 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 registered the disputed domain name, which is: (i) confusingly similar for the reasons given above; (ii) a misspelling of the Mark by an inversion of two similar letters ("i" and "l"); and (iii) nearly identical to two domain names owned and operated by the Complainant. The Panel accepts the Complainant's evidence that the Respondent previously hosted at the disputed domain name a website that (i) used the mark repeatedly; and (ii) encouraged users to make reservations to "experience the Moulin Rouge". The Panel also accepts that the Respondent has used incompatible contact details when registering the disputed domain name and accordingly finds that those details are false.

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 composition of the domain name and 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 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 use by the Respondent of false contact details and the failure by the Respondent to submit a response casts additional doubt on the nature of its conduct. [WIPO Overview 3.1](#), section 3.2.1.

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 <mouilnrouge.com> be transferred to the Complainant.

/David Stone/

David Stone

Sole Panelist

Date: August 10, 2026