

ADMINISTRATIVE PANEL DECISION

JJA v. Zitzki Zitzki

Case No. D2026-2749

1. The Parties

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

The Respondent is Zitzki Zitzki, United States of America.

2. The Domain Name and Registrar

The disputed domain name <atmospheraofficial.com> (“the Disputed Domain Name”) is registered with West263 International Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 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 July 3, 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 July 7, 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 July 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 5, 2026.

The Center appointed Andrew Sim as the sole panelist in this matter on August 14, 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 family company founded in 1979, engaging in a business of selling home furnishings and decor, under several brands including ATMOSPHERA CREATEUR D'INTERIEUR. The Complainant conducts its primary online retail operations for ATMOSPHERA CREATEUR D'INTERIEUR through its official website at "www.atmosfera.com". The Complainant also registered other domain names including <atmosfera.fr>.

The Complainant holds several registered trademarks comprising the words "ATMOSPHERA CREATEUR D'INTERIEUR" (the "ATMOSPHERA Marks"), including:

Jurisdiction	Mark	Registration Number	Registration Date	Class Covered	Status
European Union	ATMOSPHERA CREATEUR D'INTERIEUR	010493229	June 13, 2012	3, 4, 8, 9, 11, 14, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 38 and 41	Registered
International Registration	ATMOSPHERA CRÉATEUR D'INTÉRIEUR	1151354	November 20, 2012	4, 11, 14, 16, 18, 20, 21, 23, 24, 26, 27, 34, and 35	Registered

The Disputed Domain Name was registered on May 28, 2026. Based on the Complainant's evidence, the Disputed Domain Name is being used to operate a website that displays ATMOSPHERA CREATEUR D'INTERIEUR in the same stylized logo as the Complainant and offers for sale the Complainant's products at reduced prices.

The Respondent is listed as Zitzki Zitzki. Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant's name, country, postal address, telephone number, fax number and email address.

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.

First, the Complainant contends that the Disputed Domain Name is identical or confusingly similar to the ATMOSPHERA Marks in which the Complainant has rights. The Disputed Domain Name incorporates the verbal element "atmosfera" of the ATMOSPHERA Marks. The Complainant submits that the Respondent uses the Disputed Domain Name for a website that imitates the Complainant's online presence by reproducing the ATMOSPHERA Marks and official product images without authorisation. By doing so, the Respondent creates the false impression that the website is the Complainant's official website or an authorised retailer, with the apparent purpose of capitalising on the goodwill and reputation associated with the ATMOSPHERA Marks and inducing Internet users to visit or make transactions on the Respondent's website.

Second, the Complainant contends that the Respondent lacks rights or legitimate interests in the Disputed Domain Name for the reasons below:

- (a) the Complainant has not licensed, authorized, or otherwise permitted the Respondent to use the ATMOSPHERA Marks, nor is the Respondent affiliated with the Complainant in any form;
- (b) nor is there any legitimate business reason for Respondent to own or use the Disputed Domain Name.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith for the reasons below:

- (a) the registration and use of the Disputed Domain Name appear to be an attempt to rely on the Complainant's and its ATMOSPHERA Marks' goodwill to drive traffic to the Respondent's website resulting from visitors' confusion;
- (b) an Internet user, upon accessing the Respondent's website at the Disputed Domain Name, may wrongly associate any content, offers, or transactions conducted through that website with the Complainant, and consumers seeking genuine products from the Complainant on the Internet may be attracted to the Disputed Domain Name; and
- (c) the Disputed Domain Name is used to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, affiliation, or endorsement of the Respondent's website, wrongfully leveraging the ATMOSPHERA Marks to mislead the public and drive visitors to the website at the Disputed Domain Name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

- (a) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (c) the disputed domain name has been registered and is being used in bad faith.

For the below reasons, support for the Complainant can be found due to the satisfaction of the three conditions for the Disputed Domain Name.

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 dominant “atmosfera” element of the ATMOSPHERA CREATEUR D'INTERIEUR mark is reproduced within the Disputed Domain Name and is clearly recognizable. Addition of the term “official” does not prevent a finding of confusing similarity. Accordingly, the Disputed Domain Name is confusingly similar to the ATMOSPHERA CREATEUR D'INTERIEUR marks for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 1.8.

The Top-Level Domain “.com” is typically disregarded in the confusingly similarity test. [WIPO Overview 3.1](#), section 1.11.

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.

From the available record, there is no evidence to suggest that the Respondent is commonly known by the Disputed Domain Name, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

Particularly in regards to the three illustrative examples of rights or legitimate interests under paragraph 4(c) of the Policy, the Panel finds that:

- (a) the Respondent has not used the Disputed Domain Name in connection with a bona fide offering of goods or services, as the Respondent’s website is being used with the intent to lure customers interested in the products of the Complainant using a domain name confusingly similar to ATMOSPHERA Marks and to divert that traffic to its own website for commercial gain;
- (b) there is no evidence of the Respondent operating any business or organization with similar name as the Disputed Domain Name; and
- (c) the Respondent’s use of the Disputed Domain Name does not fall within the scope of legitimate noncommercial or fair use as the Complainant did not license or otherwise agree for use of the ATMOSPHERA Marks by the Respondent and the lack of any information on the website as to its lack of authorization or relation to the Complainant renders any fair use safe haven inapplicable in this instance.

The Panel also finds that the Respondent has no rights or legitimate interest in the Disputed Domain Name.

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 finds that the circumstances of registering and using the Disputed Domain Name clearly demonstrate the Respondent's bad faith and have constituted the situation as specified in paragraph 4(b)(iv) of the Policy:

(a) the ATMOSPHERA Marks have been continuously used since 2012, long before the Respondent's registration of the Disputed Domain Name which is confusingly similar to the ATMOSPHERA Marks; Given the long period of use of the ATMOSPHERA Marks by the Complainant and their use on the website at the Disputed Domain Name, the Panel accepts that the Respondent was most likely aware of the Complainant's rights when registering the Disputed Domain Name; and

(b) by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

[WIPO Overview 3.1](#), section 3.1.4.

Inference of bad faith is also drawn in accordance with paragraph 14(b) of the Rules for the Respondent's failure to file a response as required in paragraph 5(a) of the Rules in the absence of exceptional circumstances.

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 <atmospheraofficial.com> be transferred to the Complainant.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: August 28, 2026