ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
SCI Phoenix v. Christelle Robert
Case No. D2026-2767

1. The Parties

The Complainant is SCI Phoenix, France, represented by Cleach Avocats, France.

The Respondent is Christelle Robert, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <taxand-arsene.com> (the "Domain Name") is registered with NameCheap, Inc. (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 Domain Name. On June 26, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 26, 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 29, 2026, and July 3, 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 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2026. The Respondent sent email communications to the Center on June 29, 2026, and July 6, 2026.

The Complainant made unsolicited supplemental filings on July 15 and 17, 2026.

The Center appointed Ian Lowe 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 is a French company that has constituted an intellectual property rights portfolio around the sign ARSENE. It is the proprietor of a number of registered trademarks for ARSENE, including French trademark number 3263433 semi-figurative mark ARSÈNE registered as of December 17, 2003; International trademark registration number 1453924 figurative mark ARSENE registered on December 24, 2018; and European Union Trade Mark number 018004249 figurative mark ARSENE registered on May 17, 2019.

The ARSENE mark (the "Mark") is exploited under license by the French law firm Arsene (the "Complainant Licensee"), which for almost 20 years has provided national and international clients with a diversified range of services in tax matters and, in particular, customs-related issues, under the Mark. The Complainant Licensee was also a founder of the Taxand international network of lawyers dedicated to tax law. The network comprises more than 400 tax partners and over 2,000 tax advisors in 40 countries, including the United States.

The Complainant Licensee operates a website "www.arsene-taxand.com" promoting their services; the <arsene-taxand.com> domain name was registered in March 2007.

The Domain Name was registered on June 23, 2026. It does not currently resolve to an active website but at the time of filing the Complaint it resolved to a parking page of the Registrar. The Complainant adduced evidence with the amended Complaint that a DNS analysis of the Domain Name revealed that an operational email structure had been configured by the Respondent including three mail exchange (MX) records. In addition, no Domain-based Message Authentication, Reporting, and Conformance (DMARC) enforcement policy had been enabled on the Domain Name instructing recipient mail servers how to handle emails that failed authentication checks. As a result, the Complainant claimed that fraudulent emails originating from the Domain Name would not be automatically blocked or filtered by recipient servers. The Complainant alleges that this configuration is well recognized as characteristic of domain names deployed for phishing purposes, as it maximizes the deliverability of spoofed emails while preventing detection.

The Complainant also notes that the Respondent has appeared to give false contact details.

In the Complainant's unsolicited supplemental filings on July 15 and 17, 2026, the Complainant submitted evidence that a phishing email had been sent to a client of the Complainant Licensee using an email address comprising the initial and surname of a partner of the Complainant Licensee "[…]@taxand-arsene.com", whose genuine email address is "[…]@arsene-taxand.com".

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to the Mark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

B. Respondent

The Respondent did not reply formally to the Complainant's contentions. In its emails to the Center on June 29, 2026, and July 6, 2026, it initially offered to resolve matters by transferring the Domain Name to the Complainant subject to reimbursement of its documented out-of-pocket costs related to the Domain Name registration and related Registrar services and a reasonable contribution to the administrative costs incurred in resolving the matter. It subsequently indicated that it would follow the official WIPO procedure, however, the Respondent did not file a formal Response with the Center.

6. Discussion and Findings

6.1. Complainant's Supplemental Filings

In the Complainant's unsolicited filings on July 15 and 17, 2026, the Complainant submitted evidence that the Respondent had sent an email impersonating a partner in the Complainant Licensee using his name and the Domain Name that comprises a transposition of the terms "arsene" and "taxand" in the domain name used by the Complainant Licensee for its email addresses. The Panel notes that this evidence, available after the Amended Complaints were filed, supports an allegation in the Amended Complaints that the configuration of MX records for the Domain Name was likely to enable the sending of phishing emails by the Respondent.

The Panel further notes that the supplemental filings were copied to the Respondent and that the Respondent has therefore had every opportunity to address the evidence comprised in the supplemental filings in a formal response. The Respondent has chosen not to respond formally to the Complainant's contentions. In the circumstances, the Panel is satisfied 1) that the supplemental filings are relevant and that the information in them was not available at the time of the filing of the Amended Complaints; and 2) that in the circumstances the supplemental filings should be admitted and that it is unnecessary to provide the Respondent with a further opportunity to reply to them. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.6.

6.2. Substantive Issues

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the 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

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 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.

Ignoring the generic Top-Level Domain ("gTLD") ".com", the Domain Name comprises the entirety of the Mark prefixed by the term "taxand" and a hyphen. The Panel finds that this addition does not prevent a finding of confusing similarity between the Domain Name and the Mark. WIPO Overview 3.1, section 1.8.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, and 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 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. Accordingly, 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.

The Respondent has not used the Domain Name for a bona fide offering of goods or services. Rather the Respondent has used the Domain Name to send phishing emails impersonating personnel of the Complainant Licensee. This gives rise to an inference that the Domain Name has been registered and is being used for the purpose of phishing or other unlawful activity which can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. There is no question of the Respondent being known by the Domain Name or of the Complainant having given permission to the Respondent to register or use the Domain Name.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent did not reply formally to the Complaint and has given no explanation for having registered a domain name comprising the entirety of the Mark and a transposition of the terms used in the Complainant Licensee's 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Domain Name comprises the entirety of the Mark together with the name of the international network founded by the Complainant Licensee, a transposition of the Complainant Licensee's domain name. The Panel is therefore satisfied that the Respondent had the Complainant, the Complainant's Licensee, and its rights in the Mark in mind when it registered the Domain Name.

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 held that the use of a domain name for illegitimate activity as here, claimed phishing/identity theft, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the evidence, the Panel finds the Respondent's registration and use of the Domain Name constitute bad faith under the Policy. The Respondent's use of what appears to be false contact details upon registering the Domain Name only serves to reinforce the Panel's view of the Respondent's 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 Domain Name <taxand-arsene.com> be transferred to the Complainant.

/Ian Lowe/
Ian Lowe
Sole Panelist
Date: July 27, 2026