

ADMINISTRATIVE PANEL DECISION

Les Parfumeries Fragonard v. 边子辰 (Bian Zi Chen)
Case No. D2026-2792

1. The Parties

The Complainant is Les Parfumeries Fragonard, France, represented by MIIP MADE IN IP, France.

The Respondent is 边子辰 (Bian Zi Chen), China.

2. The Domain Name and Registrar

The disputed domain name <parfumsdefragonard.top> (the “Disputed Domain Name”) is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 26, 2026. On June 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 29, 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 (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 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 in English on July 6, 2026.

On June 30, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Name is Chinese. On July 6, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese 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 did not submit any response. Accordingly, the Center notified the Respondent's default on July 27, 2026.

The Center appointed Andrew Sim as the sole panelist in this matter on August 4, 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 specialized in the manufacture and distribution of perfumes, toiletries, cosmetics, beauty care products, home fragrances, home goods, and textiles. Founded in 1926, the Complainant has been manufacturing and distributing its products for nearly a century, and its products are commercialized worldwide through its stores and international distribution network.

The Complainant holds several registered trademarks for FRAGONARD and FRAGONARD PARFUMEUR (collectively referred to as the "Marks", and individually as the "Mark") in various jurisdictions around the world:

Jurisdiction	Mark	Registration Number	Registration Date	Class Covered	Status
International	FRAGONARD	312110	April 15, 1966	3, 8, and 21	Registered
France	FRAGONARD PARFUMEUR	1661663	October 18, 1991	3	Registered
France		3320503	April 1, 2005	3, 4, 5, 16, 24, 25, 35, and 38	Registered

The Complainant also owns the domain name <fragonard.com> which was registered on March 10, 1997. The Complainant operates an online retail store through its official website at "www.fragonard.com" (the "Official Website"). Upon the Panel's own visit to the Official Website, the FRAGONARD Mark is displayed prominently within the header of the Official Website.

The Disputed Domain Name, <parfumsdefragonard.top>, was registered on May 30, 2026. Based on the Complainant's evidence, it previously resolved to a website (the "Respondent's Website") that prominently displayed the Complainant's FRAGONARD Mark and photos from the Official Website, and purportedly offered to sell products bearing the FRAGONARD Mark at discounted prices. At the time of this Decision, the Disputed Domain Name does not resolve to any active website.

Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant's name, postal address, telephone 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 confusingly similar to the Complainant's FRAGONARD Mark, as the radical of the Disputed Domain Name incorporates the entirety of the

FRAGONARD Mark. The Complainant submits that the addition of the word “parfums” – the French equivalent of “perfume”, which relates to the Complainant’s main activity, namely the manufacture, marketing, and sale of perfumes and fragrances – together with the term “de”, does not eliminate the likelihood of confusion. The Complainant also submits that the generic Top-Level Domain (“gTLD”) “.top” shall be disregarded when assessing the confusing similarity between the Disputed Domain Name and the Marks. Based on the above, the Complainant alleges that visitors are likely to believe that the Disputed Domain Name is associated with the Complainant.

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

- (a) a trademark search reveals the Respondent has no trademark rights in the term “PARFUMSDEFAGONARD”;
- (b) the Complainant has not licensed, authorized, or otherwise permitted the Respondent to register or use the Marks, nor is the Respondent affiliated with the Complainant in any form; and
- (c) the Respondent has not been using, or preparing to use, the Disputed Domain Name in connection with a bona fide offering of goods and services, nor has the Respondent made a legitimate noncommercial or fair use of 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 FRAGONARD Mark is a well-known mark, and the registration and use of the Disputed Domain Name occurred many years after the Complainant’s use of the FRAGONARD Mark;
- (b) the registration and use of the Disputed Domain Name appears to be an attempt to rely on the Complainant’s and its FRAGONARD Mark’s goodwill to attract commercial gain resulting from Internet users’ confusion as to the source, sponsorship, affiliation or endorsement; and
- (c) the Respondent knew or should have known of the Complainant’s rights in the Marks.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- (a) the Respondent has a certain level of knowledge of English, as the Disputed Domain Name is registered using Latin characters; and

(b) conducting the proceeding in the Respondent's native language (i.e., Chinese) would be unfairly disadvantageous to the Complainant, both in terms of time and costs, if it were required to translate the Complaint and all supporting documents into Chinese.

The Respondent did not make any specific submissions with respect to the language of the proceeding. This is despite the fact that the Center had sent the notification of the Complaint which includes instructions on the language of the proceeding to the Respondent in both Chinese and English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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 Complaint 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 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 FRAGONARD Mark is reproduced within the Disputed Domain Name. Although the addition of the terms "parfums" and "de" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the FRAGONARD Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8. The gTLD ".top" is typically disregarded in the confusing similarity test. [WIPO Overview 3.1](#), section 1.11.

Accordingly, the Disputed Domain Name is confusingly similar to the FRAGONARD 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.

From the overall appearance of the Respondent’s Website as described in section 4 above, the Panel finds that the Respondent’s Website is being used for illegal or illegitimate activities passing off the Complainant. Panels have held that the use of a domain name for illegal activities, such as passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Particularly with regard to the three illustrative examples of legitimate interests in 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 and services, as the Panel has ruled that the Respondent’s Website is being used for passing off the Complainant;
- (b) the Disputed Domain Name does not correspond with the Respondent’s name (i.e., “边子辰 (Bian Zi Chen)”), and 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 Respondent’s Website is being used to wrongfully suggest affiliation with the Complainant.

Moreover, the nature of the Disputed Domain Name, which incorporates the Complainant’s FRAGONARD Mark together with the term “parfums” – a term closely related to one of the Complainant’s product categories – carries a risk of implied affiliation with the Complainant.

The Panel also finds that the Respondent has no rights or legitimate interests 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:

- (a) the FRAGONARD Mark has been registered since 1966, long before the Respondent's registration of the Disputed Domain Name which is not only confusingly similar to the FRAGONARD Mark but also to the Complainant's registered domain name <fragonard.com>;
- (b) based on the Respondent's Website content displaying the Complainant's FRAGONARD Mark and photos from the Official Website purportedly advertising the Complainant's products, as well as the Complainant's evidence as to its reputation, the Panel finds that the Respondent must have had actual knowledge of the Complainant and the FRAGONARD Mark, or at the very least, should have known of the FRAGONARD Mark at the time of registering the Disputed Domain Name;
- (c) panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain name comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.1](#), section 3.1.4. Given the long period of use of the FRAGONARD Mark by the Complainant and the non-affiliation between the Complainant and the Respondent, the Panel accepts that the presumption of bad faith is applicable to the present case;
- (d) the composition of the Disputed Domain Name may mislead Internet users into believing that the website at the Disputed Domain Name is somehow associated with the Complainant; and
- (e) as earlier found in section 6.2.B above that the Respondent's Website is being used for passing off the Complainant, bad faith is manifestly apparent. [WIPO Overview 3.1](#), section 3.4.

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 <parfumsdefragonard.top> be transferred to the Complainant.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: August 18, 2026