ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

ITM ENTREPRISES v. Jan Everno
Case No. D2026-3126

1. The Parties

The Complainant is ITM ENTREPRISES, France, represented by Domainoo, France.

The Respondent is Jan Everno, United States of America ("United States" or "U.S.").

2. The Domain Name and Registrar

The disputed domain name <estener.com> is registered with Snapnames, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2026. On July 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (PERFECT PRIVACY, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 20, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 17, 2026.

The Center appointed Richard C.K. van Oerle as the sole panelist in this matter on August 24, 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

ITM Entreprises is a French SASU acting as the holding company of the Groupement des Mousquetaires, one of the leading retail groups in France. Founded in 1972, it coordinates and supports well-known brands such as Intermarché, Netto, Bricomarché, and Roady. The company notably holds and manages intellectual property rights related to the Group's brands and activities. Estener, a subsidiary of the Les Mousquetaires Group, is an industrial company based in Le Havre, France, specializing in the production of advanced biodiesel from non-food animal fats.

The Complainant holds numerous trademark registrations for ESTENER on a worldwide basis, inter alia:

- French Trademark Registration, registration No. 5071180, registered on November 1, 2024;
- French Trademark Registration, registration No. 4033659, registered on March 14, 2014;
- International Trademark Registration, registration No. 1208835, registered on March 19, 2014, designating the European Union;

All registrations have been duly renewed and are still valid. The registrations will jointly be referred to, in singular, as the "Trademark" or the "Complainant's Trademark".

The Complainant used to operate a website under <estener.com>, the disputed domain name.

The disputed domain name has been registered on October 5, 2025. At the time of filing the Complaint, the disputed domain name redirected visitors to malicious redirections that expose Internet users to unsolicited and potentially harmful content. It currently resolves alternatively to multiple different websites, a website providing various pay-per-click ("PPC") commercial advertising links for commercial and professional audio systems, equipment, and audio equipment parts, or to a third party's website.

The disputed domain name is offered for sale on <sedo.com> at a minimum price of USD500.

The Respondent sent a cease-and-desist letter on December 11, 2025, to both the Respondent and their technical providers, requesting the cessation of the use that allegedly infringes on the Complainant's intellectual property and image rights. However, no response has been received.

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.

Notably, the Complainant contends that the disputed domain name reproduces identically and, in its entirety, the ESTENER Trademark. Therefore, the disputed domain name is identical to a trademark in which the Complainant has rights.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant submits that the Respondent does not have any trademark or other intellectual property rights in "estener" and has not been authorized to use the ESTENER Trademark. Nor, according to the Complainant, is the disputed domain name being used for a legitimate non-commercial, fair, or bona fide commercial purpose.

The Complainant submits that it has held trademark rights and owned and used the disputed domain name since 2013. It contends that the Respondent opportunistically registered the disputed domain name after the Complainant's failure to renew it and did so with knowledge of the Complainant's prior rights.

The Complainant further argues that the Respondent's use of the disputed domain name to redirect visitors to malicious or potentially harmful content is intended to exploit the reputation and goodwill associated with the Trademark, disrupt its business, and create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website.

In addition, the Complainant states that the disputed domain name is currently offered for sale on <sedo.com> for a minimum offer of USD 500. It submits that this amount exceeds the Respondent's documented out-of-pocket costs and therefore indicates that the disputed domain name was registered primarily for the purpose of selling it for valuable consideration, as contemplated by paragraph 4(b)(i) of the Policy.

The Complainant maintains that the Respondent deliberately selected a disputed domain name identical to its Trademark, with full knowledge of its prior rights, in order to capitalize unfairly on the Trademark's goodwill. The Complainant therefore contends that the Respondent's offering of the disputed domain name for sale, together with its use for malicious redirections, establishes both registration and use in bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following three elements in order to succeed in its Complaint:

(i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("WIPO Overview 3.1"), section 4.3.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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.

Given the Registrar's disclosure of the Respondent's name as "Jan Everno" and the absence of evidence to the contrary, the Respondent is not currently and has never been known under the name "estener". The record does not include any indication that the Respondent has any relevant trademark or trade name rights regarding the term "estener". The Complainant has not licensed or otherwise permitted the Respondent to use the Trademark.

The Panel draws an adverse inference from the Respondent's failure to take part in the present proceeding where an explanation is certainly called for. WIPO Overview 3.1 at section 4.3.

Furthermore, the disputed domain name consists solely of the Complainant's Trademark, with no additions. This composition of the disputed domain name, not consisting of a descriptive word, strongly suggests that the Respondent was aware of the Complainant and its rights. Such composition carries a high risk of implied affiliation as the disputed domain name may be misunderstood by Internet users as being somehow sponsored or endorsed by the Complainant.

UDRP panels have largely held that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. WIPO Overview 3.1, section 2.9.

The Panel finds that the Complainant has made out an unrebutted prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name in accordance with paragraph 4(a)(ii) of the Policy.

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 Complainant has provided sufficient evidence to establish that it used the disputed domain name for its website until July 2025, when it lost the disputed domain name due to an administrative issue.

The Panel further notes that the disputed domain name currently resolves alternatively to different webpages, including a webpage displaying PPC links. Such links are likely to generate revenue for the Respondent. Panels have found that the use of a domain name to divert Internet users to a webpage displaying PPC links, thereby generating revenue, may constitute evidence of bad faith.

In these circumstances, the Respondent's acquisition of the disputed domain name, which consists of the entirety of the Complainant's Trademark, and its subsequent redirection to multiple webpages, including a webpage displaying PPC links for the purpose of generating revenue, supports a finding of bad faith.

The Panel also notes that the Respondent has offered the disputed domain name for sale. In light of the absence of any rights or legitimate interests in the disputed domain name and the Respondent's failure to provide any explanation for its acquisition or use, the offer for sale constitutes further evidence of circumstances indicating that the Respondent registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant for valuable consideration likely in excess of its out-of-pocket costs directly related to the disputed domain name.

The Panel further notes that the Respondent did not reply to the letter sent by the Complainant and did not respond to the Complaint. The Respondent's failure to respond to the Complainant's correspondence or to participate in the present proceeding supports the Panel's finding of registration and use in bad faith.

Lastly, the Panel finds that the disputed domain name appears to be the latest in a long line of bad faith registrations on the part of the Respondent, constituting a pattern of bad faith registration that further reinforces the overall impression of bad faith. It was noted in *Novo Nordisk A/S v. Perfect Privacy, LLC/ Jan Everno*, WIPO Case No. D2022-1801 that the Respondent had been ordered to transfer the domain name in question in 19 earlier cases in which he was the respondent. In that decision, the transfer was ordered once again.

Since then, at least 5 additional decisions have been published[1] (*Sofia Dinis Rocheta v. Jan Everno*, WIPO Case No. D2026-1500, *Sarah Rosenberg MD Inc v. Jan Everno,* WIPO Case No. D2026-1037, *International Business Machines Corporation v. Jan Everno*, WIPO Case No. D2023-0778, *Lennar Pacific Properties Management, LLC and Lennar Corporation v. Jan Everno, Name Management Group*, WIPO Case No. D2025-5286, *Banco de Desarrollo Rural, Sociedad Anónima v. Jan Everno, Name Management Group*, WIPO Case No. D2025-5284) with the Respondent as respondent, in which he failed to file a response and the transfer of the domain name in question was ordered.

Although each case must be judged on its own merits, this circumstance can be taken into account in determining whether the Respondent registered or used the disputed domain name in bad faith.

The circumstances of the present case therefore fall within paragraph 4(b)(i) of the Policy and support a finding that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

[1] Noting in particular the general powers of a panel articulated inter alia in article 10 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision (WIPO Overview 3.1, section 4.8).

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 <estener.com> be transferred to the Complainant.

/Richard C.K. van Oerle/
Richard C.K. van Oerle
Sole Panelist
Date: September 7, 2026