

ADMINISTRATIVE PANEL DECISION

Les Parfumeries Fragonard v. Evgeniy Momaev
Case No. D2026-3364

1. The Parties

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

The Respondent is Evgeniy Momaev, Germany.

2. The Domain Name and Registrar

The disputed domain name <fragonard.mom> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2026. On July 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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 (Dynadot Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 August 4, 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 August 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2026.

The Center appointed Oleksiy Stolyarenko as the sole panelist in this matter on September 9, 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, Les Parfumeries Fragonard, is a French perfume house founded in 1926 in Grasse, France, a city historically regarded as the world capital of perfumery. For nearly a century the Complainant has manufactured and distributed a wide range of products including perfumes, cosmetics, home fragrances, and textiles, which are commercialized worldwide through its own stores and an international distribution network.

The Complainant holds rights in the trademark FRAGONARD, protected through numerous registrations, including the following:

- International trademark FRAGONARD No. 312110, registered on April 15, 1966, in classes 3, 8, and 21, and designating a number of jurisdictions including, among others, Austria, the Benelux countries, Germany, Italy, Switzerland, and Türkiye;
- French trademark FRAGONARD PARFUMEUR No. 1661663, registered on May 14, 1991, in class 3; and
- French trademark FRAGONARD PARFUMEUR No. 3320503, registered on October 26, 2004, in classes 3, 4, 5, 16, 24, 25, 35, and 38.

The Complainant is also the owner of the domain name <fragonard.com>, registered since March 10, 1997, which resolves to the Complainant's official website.

The disputed domain name <fragonard.mom> was registered on July 15, 2026. The evidence in the record shows that, prior to its deactivation following the Complainant's intervention with the hosting service provider and the Registrar, the disputed domain name resolved to a website that reproduced the look and feel of the Complainant's official website and offered for sale purported FRAGONARD products. At the date of this Decision, the disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that each of the three elements required under paragraph 4(a) of the Policy is satisfied, and may be summarized as follows.

The Complainant asserts that the disputed domain name is identical or confusingly similar to its FRAGONARD trademark. The disputed domain name reproduces the FRAGONARD trademark in its entirety, and the generic Top-Level Domain ("gTLD") ".mom" is to be disregarded when assessing identity or confusing similarity. The Complainant relies, among others, on the prior decision *Huda Beauty Limited v. Mark Cooper*, WIPO Case No. [D2026-0648](#), concerning the domain name <hudabeauty.mom>.

The Complainant also submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent holds no trademark rights in FRAGONARD, is not commonly known by that name, and has not been authorized or licensed by the Complainant to use the FRAGONARD trademark. The Complainant further contends that the Respondent's use of the disputed domain name to operate a website impersonating the Complainant and offering purported FRAGONARD products cannot amount to a bona fide offering of goods or services, nor to a legitimate noncommercial or fair use.

Furthermore, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The FRAGONARD trademark is well known in France and abroad, and the Respondent could not plausibly have been unaware of it when registering the disputed domain name. The Respondent used a privacy service to conceal its identity, provided contact details that appear questionable, and used the disputed domain name to attract Internet users to a website that reproduced the Complainant's website in order to trade on the Complainant's goodwill for commercial gain, contrary to paragraph 4(b)(iv) of the Policy.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 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 generic Top-Level Domain ("gTLD") ".mom" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1. Therefore, the Panel disregards the gTLD for the purposes of this comparison.

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.

According to the Complainant, the Respondent is not authorized or licensed to use the FRAGONARD trademark in the disputed domain name. Moreover, given that the disputed domain name incorporates the Complainant's trademark in its entirety, the Panel struggles to conceive any legitimate interests of the Respondent in the disputed domain name.

More fundamentally, the nature of the use of the disputed domain name precludes any finding of rights or legitimate interests. The evidence shows that the disputed domain name resolved to a website that reproduced the look and feel of the Complainant's official website and offered purported FRAGONARD products, in a manner to make Internet users believe that the website was operated or authorized by the Complainant. Such use, which trades on the Complainant's trademark to impersonate the Complainant and, on the evidence, carries a risk of consumer fraud, cannot be a bona fide offering of goods or services.

Panels have held that the use of a domain name for illegitimate activity, here, claimed passing off, or other types of fraud, 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.

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.

The Panel established that the FRAGONARD trademark is distinctive, long established, and widely known in connection with the Complainant's perfumery business. The reputation of the mark has been recognized by prior panels (see, e.g., *Les Parfumeries Fragonard v. Thanh Van Pham*, WIPO Case No. [D2020-2920](#)). The disputed domain name was registered decades after the Complainant first registered and began using its FRAGONARD trademark, and it reproduces that trademark in its entirety.

The Panel finds with a high degree of certainty that the Respondent knew of the Complainant's FRAGONARD well-known trademark when registering the disputed domain name. Given this, the Respondent could not plausibly have registered a domain name consisting of the full FRAGONARD mark without having the Complainant and its trademark in mind. The Respondent clearly targeted the Complainant, its reputation, and its customers.

Panels have consistently held that the registration of domain names incorporating well-known brands constitute evidence of bad faith ([WIPO Overview 3.1](#), sections 3.1.4 and 3.2.1).

Moreover, the evidence indicates that the disputed domain name was used to host a website reproducing the look and feel of the Complainant's official website and offering purported FRAGONARD products. Such use falls squarely within paragraph 4(b)(iv) of the Policy: by adopting a domain name identical to the FRAGONARD trademark and reproducing the Complainant's website, the Respondent intentionally sought to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark.

Panels have held that the use of a domain name for illegitimate activity, here, claimed passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <fragonard.mom> be transferred to the Complainant.

/Oleksiy Stolyarenko/

Oleksiy Stolyarenko

Sole Panelist

Date: September 28, 2026