

ADMINISTRATIVE PANEL DECISION

José Luis Maroto Díaz v. Ahsan Kun
Case No. D2026-3398

1. The Parties

The Complainant is José Luis Maroto Díaz, Spain, represented by Abril Abogados, Spain.

The Respondent is Ahsan Kun, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <pierregonnord.com> is registered with DropCatch.com LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 31, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 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 (Unknown / Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 5, 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 amendment to the Complaint on August 7, 2026.

The Center verified that the Complaint together with the amendment to the 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 sent two email communications to the Center on August 11, 2026.

The Center appointed Edoardo Fano as the sole panelist in this matter on September 2, 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers, or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a), “to employ reasonably available means calculated to achieve actual notice to [the] Respondent”. Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules, and the Supplemental Rules and without the benefit of a formal response from the Respondent.

The language of the proceeding is English, being the language of the Registration Agreement, as per paragraph 11(a) of the Rules.

4. Factual Background

The Complainant is José Luis Maroto Díaz, the widower and heir of Pierre Yves Gonnord Chartier, entitled to protect and enforce any copyrights and trademark rights that belonged to the late Pierre Yves Gonnord Chartier, a well-known artist photographer born in France but established in Spain with a worldwide reputation thanks to his contribution to contemporary portraiture, whose works have been exhibited in galleries, museums and art shows all over the world and form part of the most notorious public and private collections worldwide. All the artistic works created by Pierre Gonnord have been branded with his artistic name, under the unregistered trademark PIERRE GONNORD.

The Complainant provided evidence in support of the above.

According to the WhoIs records, the disputed domain name was registered on February 5, 2025. The Complainant claims that the artist, Pierre Yves Gonnord Chartier, previously owned the disputed domain name, widely used in the past for almost twenty years as the official website to market the Pierre Gonnord trademark and his work. When the renewal of the disputed domain name was due, it coincided with the first months after the passing of Pierre Yves Gonnord Chartier on April 21, 2024, and his heir and owner of his Estate unwillingly and inadvertently failed to renew it. The disputed domain name is currently redirecting to the website at “odin77live.com”, where there is a warning from the search engine advising not to enter this site due to security reasons. However, as can be seen from the screenshots taken by the Complainant from the Internet archive through Wayback Machine, the disputed domain name, at least during 2025, hosted content related to a pornographic and/or gambling site.

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 disputed domain name is identical to the PIERRE GONNORD unregistered trademark.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, since it has no connection to the Complainant nor to the artist, Pierre Yves Gonnord Chartier, and is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name was used to redirect to a pornographic and/or gambling website.

The Complainant submits that the Respondent has registered the disputed domain name in bad faith, since the Respondent acquired the disputed domain name when the Complainant's registration of the disputed domain name temporarily lapsed, and then used the disputed domain name, before the Complaint was filed, to host an illicit online pornographic and/or gambling site. Therefore, the Respondent targeted the Complainant's unregistered trademark at the time of registration of the disputed domain name, and the Complainant contends that both the previous use and the current passive holding of the disputed domain name qualifies as bad faith registration and use.

B. Respondent

The Respondent has made no formal response to the Complainant's contentions. However, as noted above, on August 11, 2026, the Respondent sent the following two informal email communications to the Center:

"The Respondent respectfully objects to the requested transfer of the disputed domain name, pierregonnord.com. The Respondent acquired the disputed domain name on February 9, 2025, through a publicly available DropCatch auction. The Respondent paid USD 550 for the domain name in an open auction process. Evidence of this transaction, including the order date, auction status, and purchase price, is submitted as an annex to this Response. At the time of acquisition, the Respondent had no knowledge of Pierre Gonnord, the Complainant, Pierre Gonnord's estate, or any alleged trademark or other intellectual property rights associated with that name. The Respondent did not search for Pierre Gonnord prior to purchasing the domain name, did not know that the domain name had previously been used as an official website relating to Pierre Gonnord, and did not acquire the domain name for the purpose of selling it to Pierre Gonnord, his estate, the Complainant, or any party associated with them. The disputed domain name was acquired as an expired domain through the ordinary DropCatch auction process for the Respondent's own intended use. Accordingly, the Respondent respectfully denies the allegation that the disputed domain name was acquired in bad faith or with the intention of targeting the Complainant's alleged rights. The Respondent also respectfully notes that it paid substantial consideration, namely USD 550, to acquire the domain name through a legitimate public auction. The Respondent therefore objects to a compulsory transfer without an adjudication establishing all elements required under paragraph 4(a) of the UDRP. The Respondent is not asserting that payment of the auction price alone creates trademark rights or automatically defeats a UDRP Complaint. Rather, the auction record is submitted as evidence of the circumstances surrounding the acquisition and to support the Respondent's position that the domain name was not acquired for the purpose of targeting or selling it to the Complainant. If the Complainant is interested in resolving the matter amicably rather than proceeding to a decision, the Respondent remains open to reasonable settlement discussions concerning the Respondent's documented acquisition costs. Any such willingness to discuss settlement should not be construed as an admission of bad faith, liability, or lack of rights or legitimate interests in the disputed domain name." (first Respondent's informal email communication of August 11, 2026), and

"Thank you for your acknowledgment. Please note that my communication of August 11, 2026, and the attached document should not yet be regarded as my complete Response. I intend to submit a complete Response together with additional supporting evidence and annexes within the applicable Response period. I understand that the current due date for my Response is August 31, 2026. Thank you." (second Respondent's informal email communication of August 11, 2026).

No further Response was received by the Center.

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

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

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 Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

Based on the unrebutted record presented, including among others press articles, promotional materials, and a record of inheritance rights, the Panel finds that PIERRE GONNORD has acquired relevant secondary meaning in connection with Pierre Yves Gonnord Chartier artistic works, sufficient to confer trademark rights on the Complainant, namely the heir of the deceased artist. The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the Complainant's unregistered trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

It is also well accepted that a generic Top-Level Domain ("gTLD"), in this case ".com", is typically disregarded when assessing the confusing similarity between a trademark and a domain name. [WIPO Overview 3.1](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. 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 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. The disputed domain name was used to redirect to a pornographic and/or gambling website, which does not amount to a legitimate noncommercial or fair use in this case. Moreover, the mere

registration of a domain name at auction does not give rise to rights or legitimate interests in itself, and in this case the Panel further notes that no explanation was provided for the choice of the disputed domain name that might suggest any potential rights or legitimate interests.

Based on the available record, 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.

In the present case, regarding the registration in bad faith of the disputed domain name, the Complainant claims that Pierre Yves Gonnord Chartier previously owned the disputed domain name and that the Respondent acquired the disputed domain name when the registration of the disputed domain name inadvertently lapsed and was not renewed. The purchase of the disputed domain name for USD 550 through a purported auction process (not evidenced) is not indicative of either good or bad faith, rather the Panel must evaluate the surrounding circumstances including the nature of the disputed domain name, the subsequent use of the disputed domain name, and the strength or weaknesses of the Parties' contentions and evidence. Having regard to the circumstances of this case and, in particular, the prior ownership of the disputed domain name by the Complainant / Pierre Yves Gonnord Chartier, combined with the reputation of the unregistered PIERRE GONNORD trademark, the lack of any logical connection between the disputed domain name and the content for which it had been used, and the absence of any conceivable good faith use for the disputed domain name, the Panel finds that the Respondent deliberately and opportunistically registered the disputed domain name in bad faith. In this regard, the Panel notes that a simple Internet search would have immediately revealed the existence of the artist Pierre Yves Gonnord Chartier and the use of the PIERRE GONNORD mark, and without any explanation from the Respondent for the choice of the particular disputed domain name (identical to the mark and used for years by the Complainant / Pierre Yves Gonnord Chartier), the Panel finds the Respondent's unsupported claims unconvincing and rather considers it more likely that the Respondent knew, or at minimum should have known, of the Complainant / Pierre Yves Gonnord Chartier and the PIERRE GONNORD mark when registering and using the disputed domain name. [WIPO Overview 3.1](#), section 3.2.2. The Panel also finds it notable that despite being aware of the dispute and indicating an intent to provide further explanation and evidence, the Respondent did not submit any further documents after its second informal communication of August 11, 2026.

In these circumstances, the use of the disputed domain name for a pornographic and/or gambling website does not amount to a legitimate noncommercial or fair use, but instead the Respondent intended to take advantage of the Complainant's unregistered trademark and failure to renew the disputed domain name to divert users to its website, or to a website the Respondent is associated with, for its commercial gain.

As regards the current passive holding of the disputed domain name, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the record, the Panel notes the fact that the Complainant previously operated the disputed domain name, the composition of disputed domain name being identical to the Complainant's unregistered trademark, and the previous use of the disputed domain name to host an online pornographic and/or gambling website, and finds that in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <pierregonnord.com> be transferred to the Complainant.

/Edoardo Fano/

Edoardo Fano

Sole Panelist

Date: September 3, 2026