

ADMINISTRATIVE PANEL DECISION

Materne v. pierre vasye
Case No. D2026-3490

1. The Parties

The Complainant is Materne, France, represented by KALLIOPE Law Firm, France.

The Respondent is pierre vasye, France.

2. The Domain Name and Registrar

The disputed domain name <materne-foodservices.com> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 6, 2026. On August 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 10, 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 10, 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 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 8, 2026.

The Center appointed Fabrice Bircker as the sole panelist in this matter on September 11, 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, Materne, is a French company active in the agri-food industry, in particular in the manufacture and marketing of processed fruit products.

With activities dating back to 1922, the Complainant is now part of the BEL group, a major player in the agri-food industry with well-known trademarks such as LA VACHE QUI RIT and KIRI.

The Complainant also operates an out-of-home catering division dedicated to professionals.

The Complainant's activities are notably protected by the following trademarks registrations:

MATERNE, French trademark currently registered under No. 1458384, registered on September 9, 1988, designating products of classes 5, 29, 30, 31, 32 and 33, and regularly renewed since then – this trademark registration constitutes the renewal, under the former French trademark law, of a trademark dating back at least to April 13, 1978 and bearing at this time the registration No. 1041987.



French trademark registration No. 4746711, filed on March 22, 2021, registered on August 20, 2021, and designating products of classes 29, 30, 31 and 32.



French trademark registration No. 4937071, filed on February 14, 2023, registered on September 29, 2023, and designating products of classes 29, 30, 31 and 32.

The Complainant has also an online presence, notably through the domain name <maternefoodservice.fr>. This domain name was registered on January 7, 2020, and directs to a website presenting the activities of the Complainant's division dedicated to the out-of-home catering serving professional customers.

The disputed domain name <materne-foodservices.com> was registered on June 12, 2026.

At the time of drafting this Decision, it is no longer active.

However, the evidence on record shows that it previously resolved to a website:

- prominently displaying the Complainant's semi-figurative MATERNE DEPUIS 1922 trademarks;
- drafted in French;
- purporting to supply professional customers with food, in particular fresh fruits and vegetables;
- offering to be contacted through an email address belonging to the disputed domain name; and
- also displaying a contact form collecting the prospects' contact details.

Very little is known about the Respondent, except that, according to the information provided by the Registrar, it is purportedly located in France.

Before filing the Complaint, the Complainant sent a cease-and-desist letter to the Respondent and a takedown request to the Registrar, but received no response.

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 is confusingly similar to its trademarks as the latter remain recognizable within it.

Then, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name, in substance because:

- the Complainant has never authorized the Respondent to register and/or use the disputed domain name; and
- “[t]he Respondent’s election of the disputed domain name, which consists of the Complainant’s trademark combined with terms associated with the Complainant’s business and which imitates the naming pattern of the Complainant’s [d]omain [n]ame <maternefoodservice.fr>, shows that the Respondent has targeted the Complainant, its trademark, and its business”.

Lastly, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, notably because:

- the Complainant’s MATERNE trademark is well known;
- the website under the disputed domain name impersonates the Complainant; and
- the Respondent has configured an email address associated with 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.

For reasons of procedural economy, the Panel will only consider the MATERNE word mark for the purpose of assessing the first element of the Policy, as its sign constitutes the common distinctive element of the marks relied upon by the Complainant.

The entirety of the Complainant’s MATERNE mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, “food” and “services”) 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 mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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.

In the present case, the Complainant has not given its consent to the Respondent to use its trademarks in a domain name registration or in any other manner.

Furthermore, there is nothing in the record of the case to indicate that the Respondent may be commonly known by the disputed domain name.

In addition, before being deactivated, the disputed domain name resolved to a website which, if not impersonating the Complainant, suggested strong affiliation, sponsorship or endorsement by the Complainant, as its semi-figurative trademarks were prominently reproduced and as it purported to offer the same products and services as those provided by the Complainant’s division dedicated to catering for professionals.

In this respect, Panels have held that the use of a domain name for illegitimate activity (such as 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.

In the present case, the Panel finds that the Respondent registered the disputed domain name being fully aware of the Complainant’s rights, and that the Respondent intentionally used said disputed domain name for commercial gain by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of its websites and of the products offered for sale thereon, in the meaning of paragraph 4(b)(iv) of the Policy.

Notably:

- the disputed domain name is confusingly similar to the Complainant's MATERNE trademark, the use of which long predates the registration of the disputed domain name;
- the disputed domain name is also almost identical to the Complainant's MATERNE FOOD SERVICE semi-figurative trademark and to the domain name <maternefoodservice.fr> which resolves to the Complainant's website dedicated to its catering activities for professionals;
- the website under the disputed domain name reproduced the MATERNE DEPUIS 1922 semi-figurative trademark;
- as mentioned above, the website under the disputed domain name purported to offer the same products and services as those provided by the Complainant's division dedicated to catering for professionals,
- the Respondent did not reply to the cease-and-desist letter sent by the Complainant, and while invited to defend its case, has been remaining silent in these proceedings.

It necessarily results from the above findings that the Respondent registered the disputed domain name being fully aware of the Complainant's prior trademark rights. In addition, the manner in which the disputed domain name was used was misleading and intended for commercial gain.

In that regard, it is consistently held that the use of a domain name for illegitimate activity such as passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

At last, the fact that the disputed domain name is inactive at the time of the Decision does not change the above finding.

Indeed, this deactivation may result from the takedown request sent by the Complainant to the Registrar. In any event, panels have found that the non-use of a domain name (including a blank page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes:

- the distinctiveness of the Complainant's trademarks;
- the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use;
- the Respondent's concealing its identity; and
- the implausibility of any good faith use to which the disputed domain name may be put given this overall context and its previous conditions of use.

Therefore, the Panel 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.

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 <materne-foodservices.com> be transferred to the Complainant.

/Fabrice Bircker/

Fabrice Bircker

Sole Panelist

Date: September 17, 2026