ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Montres Ambre v. vanidestine vanidestine
Case No. D2026-4095

1. The Parties

The Complainant is Montres Ambre, France, represented by Crehange Avocats, France.

The Respondent is vanidestine vanidestine, United States of America.

2. The Domain Name and Registrar

The disputed domain name <yemawatches.com> is registered with TuringSign Inc. d/b/a Cosmotown, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 11, 2026. On September 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 14, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 September 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 18, 2026.

The Center appointed Indrek Eelmets as the sole panelist in this matter on October 20, 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 established in 1992, specializing in the manufacture and sale of watches and jewelry. The Complainant uses the YEMA trademark in connection with the manufacture and sale of watches, which have been sold for several decades worldwide in stores and online through the Complainant's official website at "www.yema.com".

The Complainant owns a number of trademark registrations for YEMA, including French trademark registration No. 1524674, registered from April 14, 1989; European Union trade mark registration No. 001790054, registered on August 7, 2001; and International Trademark Registration No. 739202, registered on July 27, 2000. These registrations cover, inter alia, watches, timepieces, and horological and chronometric instruments in Class 14.

The disputed domain name was registered on January 17, 2026. According to the Complaint, at the time of filing the Complaint, the disputed domain name resolved to an active website which imitated the structure, graphic elements, and content of the Complainant's official website, reproduced the Complainant's product photographs, and purported to offer YEMA-branded products for sale at substantial discounts. 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 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 the Complainant's trademark since the disputed domain name contains the trademark in its entirety, with the addition of the descriptive term "watches". According to the Complainant, the term "watches" directly refers to the products sold under the trademark and does not prevent the trademark from being recognizable within the disputed domain name.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the Complainant does not know the Respondent and has not authorized the Respondent to register or use the disputed domain name. The Respondent is not a licensee, authorized distributor, or partner of the Complainant, is not commonly known by the disputed domain name, and, according to the Complainant, is not using the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Complainant alleges that the disputed domain name resolves to a website which reproduces content from the Complainant's official website, including trademarks, product descriptions, photographs, and the overall structure of the website.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith since the disputed domain name incorporates the Complainant's YEMA trademark and resolves to a website which imitates the Complainant's official website, reproduces its photographs and product images without authorization, and gives Internet users the false impression that it is an official or authorized website selling authentic YEMA-branded products. The Complainant further asserts that the website offers products at abnormally low prices, and that the Respondent is thereby seeking to create confusion as to the origin of the products and to profit from the Complainant's trademarks, image, and reputation.

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 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, "watches", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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. The Panel also notes that the composition of the disputed domain name carries a risk of implied affiliation, which also prevents a finding of rights or legitimate interests for the Respondent. WIPO Overview 3.1, section 2.5.1.

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 notes that the Respondent must have been aware of the Complainant and its trademark when registering the disputed domain name, given that the trademark had been registered and used for several decades prior to the registration of the disputed domain name. The Panel further finds that the composition of the disputed domain name itself, reproducing the Complainant's trademark in its entirety with the addition of the descriptive term "watches", which directly refers to the products offered by the Complainant under the trademark, demonstrates the Respondent's knowledge of the Complainant and further supports the finding that the Respondent targeted the Complainant and its trademark at the time of registration.

According to the evidence submitted by the Complainant, at the time of filing the Complaint, the disputed domain name resolved to a website which imitated the structure, graphic elements, and content of the Complainant's official website, reproduced the Complainant's product images without authorization, and purported to offer YEMA-branded products for sale at substantial discounts. The Panel finds that the use of the disputed domain name in this manner demonstrates that the Respondent intentionally sought to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website and the products offered through it, within the meaning of paragraph 4(b)(iv) of the Policy. The fact that the disputed domain name no longer resolves to an active website at the date of this Decision does not prevent a finding of bad faith in the circumstances of this case.

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 <yemawatches.com> be transferred to the Complainant.

/Indrek Eelmets/
Indrek Eelmets
Sole Panelist
Date: November 3, 2026