ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Krème v. Netacel Inc., Domain Provider
Case No. D2026-4236

1. The Parties

The Complainant is Krème, France, represented by Cabinet Havard Duclos & Associés, France.

The Respondent is Netacel Inc., Domain Provider, Seychelles.

2. The Domain Name and Registrar

The disputed domain name <kremeparis.store> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 21, 2026. On September 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (Privacy User #7130fa30, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 23, 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 September 23, 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 October 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 29, 2026. The Respondent sent email communications to the Center on September 23, 2026, and on September 28, 2026, stating its willingness to transfer the disputed domain name to the Complainant. On October 7, 2026, the Center invited the Complainant to request suspension by October 12, 2026, in order for the Parties to explore settlement options. On October 8, 2026, the Complainant expressed its wish not to suspend the proceedings. The Respondent did not submit a formal Response. On November 3, 2026, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Edoardo Fano as the sole panelist in this matter on November 6, 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 a French company operating in the field of cosmetics, owning several trademark registrations and applications for KRÈME and KREME, including:

- French Trademark Registration No. 4633923 for KRÈME, registered on October 30, 2020;

- International Trademark Registration No. 1768772 for KRÈME, registered on August 4, 2023; and

- French Trademark Application No. 5006419 for KREME, filed on November 15, 2023.

The Complainant also operates on the Internet, its official website being "www.kreme-paris.com".

The Complainant provided evidence in support of the above.

According to the WhoIs records, the disputed domain name was registered on September 1, 2026, and it is inactive. However, when the Complaint was filed, it resolved to an ecommerce website reproducing and imitating the Complainant's website, including products pages and references to the Complainant's original founders, and purportedly offering for sale skincare products whose appearance and presentation corresponded to those of the Complainant's skincare products, at lower prices.

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 states that the disputed domain name is confusingly similar to its trademarks KRÈME and KREME, as the disputed domain name wholly incorporates the Complainant's trademark KRÈME.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since it has not been authorized by the Complainant to register the disputed domain name or to use its trademarks within the disputed domain name, it is not commonly known by the disputed domain name, and it 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 resolved to an e-commerce website, reproducing and imitating the Complainant's official website, selling purported identical cosmetic and skincare products to those sold by the Complainant, at lower prices.

The Complainant submits that the Respondent has registered the disputed domain name in bad faith, since the Complainant's trademark KRÈME is well known in the field of cosmetics. Therefore, the Respondent targeted the Complainant's trademarks at the time of registration of the disputed domain name and the Complainant contends that the use of the disputed domain name to impersonate the Complainant and thereby fraudulently deceive consumers, attempting to create a likelihood of confusion with the Complainant's trademarks as to the website's source, sponsorship, affiliation or endorsement, 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 September 23, 2026, and on September 28, 2026, the Respondent sent the following informal email communications to the Center:

"Domain has been suspended. Thanks for reporting" (on September 23, 2026); and

"The disputed domain was ordered by a customer through our domain reseller service. Based on our records, the registrant details submitted with the order were incomplete or incorrectly formatted, and the NameSilo API populated Netacel's company details as the registrant. Netacel did not knowingly register the domain for its own use or authorize the use of its details by the website operator. We have suspended the website. Netacel is willing to cooperate with the transfer of the disputed domain to the Complainant. Please advise if we can provide the transfer authorisation code without going through the UDRP proceeding." (on September 28, 2026).

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.

Preliminary Issue – Respondent Identity

The Respondent's informal communications indicate that the disputed domain name was registered by a customer.

The Panel notes that paragraph 1 of the Rules defines "Respondent" as "the holder of a domain-name registration against which a complaint is initiated" and that the appointed panel retains discretion to determine the respondent against which the case should proceed.

Considering the circumstances of this proceeding, in particular, that there is no evidence regarding who the underlying registrant may be, the Panel finds for purposes of this proceeding that "Netacel Inc., Domain Provider" is the Respondent.

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.

Based on the available record, the Panel finds 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 Panel finds the entirety of the Complainant's trademark KRÈME is reproduced within the disputed domain name without the accent. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

While the addition of other terms, here "paris", 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 Complainant's trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

It is also well-accepted that a generic Top-Level Domain ("gTLD"), in this case ".store", 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 that 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.

The Complainant in its Complaint, and as set out above, has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. It asserts that the Respondent, who is not currently associated with the Complainant in any way, is not using the disputed domain name for a legitimate noncommercial or fair use or in connection with a bona fide offering of goods or services.

The prima facie case presented by the Complainant is enough to shift the burden of production to the Respondent to demonstrate that it has rights or legitimate interests in the disputed domain name. However, the Respondent has not presented any evidence of any rights or legitimate interests it may have in the disputed domain name, while expressing its willingness to transfer the disputed domain name to the Complainant. The disputed domain name resolved to an e-commerce website, reproducing and imitating the Complainant's official website, selling purported identical cosmetic and skincare products to those sold by the Complainant, at lower prices.

Panels have held that the use of a domain name for illegal activity, here impersonation/passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel therefore concludes that the disputed domain name is not being used in connection with a bona fide offering of goods or services.

Finally, the Panel finds that the composition of the disputed domain name (incorporating the Complainant's trademark KRÈME in its entirety with the addition of the term "paris", which is the Complainant's location) coupled with the use of the disputed domain name to resolve to a website in which the Respondent tried to pass itself off as the Complainant, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website.

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 reputation of the Complainant's trademark KRÈME in the field of cosmetics is clearly established, and the Panel finds that the Respondent must have known of the Complainant, and deliberately registered the disputed domain name in bad faith, especially because the disputed domain name resolved to an e-commerce website, reproducing and imitating the Complainant's official website, selling purported identical cosmetic and skincare products to those sold by the Complainant, at lower prices.

As regards the previous use in bad faith of the disputed domain name, the Panel notes that the Respondent was trying to attract Internet users to its website by creating likelihood of confusion with the Complainant's trademarks as to the website's source, sponsorship, affiliation or endorsement, an activity clearly detrimental to the Complainant's business.

Panels have held that the use of a domain name for illegal activity, here impersonation/passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4.

The above suggests to the Panel that the Respondent intentionally registered and was using the disputed domain name in order both to disrupt the Complainant's business, in accordance with paragraph 4(b)(iii) of the Policy, and to attract, for commercial gain, Internet users to its website in accordance with paragraph 4(b)(iv) of the Policy.

As regards the current use of the disputed domain name, being inactive, panels have found that the non-use of a domain name (including a blank or "coming soon" 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 record, the Panel notes the reputation of the Complainant's trademarks in the field of cosmetics, the nature of the disputed domain name (incorporating the Complainant's trademark KRÈME in its entirety with the addition of the term "paris", which is the Complainant's location, and being almost identical to the Complainant's official website "kreme-paris.com", with the omission of the hyphen between "kreme" and "paris" in the disputed domain name), the Respondent's previous use of the disputed domain name as well as the provision of false and/or incomplete contact details, presumably to conceal its identity, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Furthermore, the Panel considers that the nature of the disputed domain name, which incorporates the Complainant's trademark KREME in its entirety with the addition of the term "paris", which is the Complainant's location, further supports a finding of bad faith. WIPO Overview 3.1, section 3.2.1.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <kremeparis.store> be transferred to the Complainant.

/Edoardo Fano/
Edoardo Fano
Sole Panelist
Date: November 10, 2026