ARBITRATION
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MEDIATION CENTER

WIPO
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ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
FIRN v. Milo Brentwood
Case No. D2026-4416

## 1. The Parties

The Complainant is FIRN, France, represented by Ooslo Avocats, France.

The Respondent is Milo Brentwood, United States of America ("United States").

## 2. The Domain Name and Registrar

The disputed domain name <firnofficial.shop> (the "Disputed Domain Name") is registered with Dynadot Inc (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 30, 2026. On October 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 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 October 6, 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 October 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 27, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on October 28, 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, established in Paris, France, is in the business of manufacturing and selling cosmetic products, under its brands, through online shops, and through two physical retail outlets located in Paris and operated under the trade name FIRN.

The Complainant holds trademark rights for FIRN, such as the following:

- the French Trademark Registration number 5115495, for FIRN (word), filed on January 24, 2025, registered on May 9, 2025, covering goods and services in International classes 3, 4, 5, 16, 21, 35, and 44; and

- the International Trademark Registration number 1879014 for FIRN (word), registered on July 21, 2025, covering goods and services in International classes 3, 4, 5, 16, 21, 35, and 44, and designating, inter alia the United States.

The Complainant is the owner of several domain names containing the mark FIRN, such as <firn.com> registered on April 18, 1998, <firn-biotechnology.com> registered on February 13, 2025, and <firnbiotechnology.com> registered on February 13, 2025.

The Disputed Domain Name was registered on July 23, 2026, and, at the time of filing the Complaint, it was used in relation to a commercial website, copying the look and feel of the Complainant's website at <firn.com>, by displaying the Complainant's trademarks, product images and descriptions, stating it is "FIRN" in the "About us" section and claiming copyright protection.

## 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 trademark FIRN enjoys a significant reputation in the business of cosmetic products;

- the Disputed Domain Name is confusingly similar to the trademark FIRN since it incorporates it in its entirety with the addition of the generic or descriptive term "official", which nevertheless reinforces the impression of affiliation between the Disputed Domain Name and the Complainant as this term is purely descriptive and is commonly used in the marketing of cosmetic products or in online retail;

- the Respondent has no rights or legitimate interests in the Disputed Domain Name particularly because: (i) the Respondent is in no way affiliated with the Complainant and has not been authorized by the latter to use its mark or to register a domain name incorporating the mark; (ii) the reproduction of the Complainant's FIRN trademark within the Disputed Domain Name reveals a malicious intent to take advantage of the reputation of the said trademark; (iii) the fact that the Disputed Domain Name redirects to a website offering identical products and services while displaying the Complainant's trademark, clearly demonstrates that the Respondent sought to take advantage of the use of the Disputed Domain Name, thereby creating a manifest

risk of confusion with the Complainant and its mark; and (iv) the Respondent has not made a legitimate, noncommercial or fair use of the Disputed Domain Name, since its sole intention was to create confusion in the minds of the public by leading them to believe that the Disputed Domain Name was connected to the Complainant's prior rights;

- the Respondent's registration and use of the Disputed Domain Name is in bad faith for the following main arguments: (i) the composition of the Disputed Domain Name which identically reproduces the Complainant's prior trademark in its entirety plus the generic or descriptive term "official"; (ii) the FIRN mark and trade name enjoy significant reputation in its industry and predate the registration of the Disputed Domain Name; (iii) the content of the website to which the Disputed Domain Name resolves, which is identical to that of the Complainant's official website, on which products and services similar to those of the Complainant were offered for sale. The Complainant's FIRN trademark was reproduced both on the website and on the products offered and consequently, the Respondent intentionally attempted to attract Internet users to its website through the Disputed Domain Name, for commercial purposes, by creating a manifest risk of confusion with the Complainant's trademark.

**B. Respondent**

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

## 6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

(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 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. See 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 Panel finds the mark is recognizable 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.

While the addition of other terms, here "official", 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 the Disputed Domain Name.

Although 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 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 evidence, the Respondent has used the Disputed Domain Name in connection with a website promoting goods and services identical to those of the Complainant, displaying the Complainant's trademark, products and copyrighted imagery, without providing any disclaimer regarding the relationship (in fact the lack thereof) between the Respondent and the Complainant. UDRP panels have held that the use of a domain name for illegitimate activity (such as claimed impersonation, and passing off) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel also notes that the composition of the Disputed Domain Name itself carries a risk of implied affiliation given that the Complainant's trademark has been reproduced in the Disputed Domain Name, together with the term "official" and the generic Top-Level Domain "shop", both employed mainly by the e-commerce storefronts to signify brand authenticity, verified provenance, and/or authorized distribution rights.

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 Disputed Domain Name was registered in bad faith, with knowledge of the Complainant and its FIRN trademark, because it fully incorporates the mark, together with the dictionary term "official" along with the gTLD "shop", commonly used in the online retail. Also, the Complainant's trade name and trademarks predate the registration of the Disputed Domain Name, and the Complainant's domain name <firn.com> was registered about 28 years before the Disputed Domain Name. Further, the use of the Disputed Domain Name reinforces such finding.

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.

According to the evidence provided in the Complaint, the Disputed Domain Name was used in connection with a website imitating the Complainant's official website at <firn.com>.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement

of [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Creating a website reproducing the FIRN mark, displaying the Complainant's trademark, product images, offering identical goods and services to those offered by the Complainant, indicate, in this Panel's view, that the Respondent has intentionally sought to attract Internet users by creating a likelihood of confusion with the Complainant's mark to access the website at the Disputed Domain Name and to believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain.

The use of a domain name for illegal activity such as claimed impersonation, and passing off, can never confer rights or legitimate interests on a respondent and it is considered evidence of bad faith. WIPO Overview 3.1, section 3.4.

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, <firnofficial.shop>, be transferred to the Complainant.

*/Marilena Comanescu/*
**Marilena Comanescu**
Sole Panelist
Date: November 5, 2026