ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

CAVIAR PETROSSIAN v. Charly Bilzerian
Case No. D2026-4541

1. The Parties

The Complainant is CAVIAR PETROSSIAN, France, represented by AREOPAGE, France.
The Respondent is Charly Bilzerian, France.

2. The Domain Name and Registrar

The disputed domain name <petrossian.store> is registered with IONOS SE (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 7, 2026. On October 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 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 October 14, 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").

The Registrar confirmed that the language of the Registration Agreement is English, which is the language of this proceeding under paragraph 11(a) of the 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 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 5, 2026.

The Center appointed Alexandre Nappey as the sole panelist in this matter on November 10, 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 CAVIAR PETROSSIAN, a French company belonging to the PETROSSIAN group, whose business originated in Paris in 1920. The group sells caviar, smoked fish, seafood specialties, foie gras, and other fine foods, and operates boutiques, restaurants, and online retail websites under the PETROSSIAN mark.

The Complainant owns several registrations for the word mark PETROSSIAN, including:

- French trademark No. 1358658, filed on June 11, 1986, and renewed with an expiry date of June 11, 2036;
- European Union trademark No. 015876667, filed on September 29, 2016, registered on February 1, 2017, and renewed with an expiry date of September 29, 2036.

The Complainant operates its official website and online retail store at <petrossian.fr>.

The disputed domain name <petrossian.store> was registered on September 18, 2026.

The disputed domain name resolves to a Registrar landing page stating that the domain name has already been registered. Screenshots included in the Complaint also show MX and SPF records associated with the disputed domain name.

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.

First, the Complainant contends that the disputed domain name <petrossian.store> is identical to its trademark PETROSSIAN, which it reproduces in its entirety.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name and is not commonly known by that name.

Moreover, the Respondent does not have any affiliation, association, sponsorship or connection with the Complainant and has not been authorized, licensed or otherwise permitted by the Complainant or by any subsidiary or affiliated company to register the concerned domain name and to use it.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith.

The Complainant claims that, given the reputation of the PETROSSIAN mark, the Respondent knew of the mark when registering the disputed domain name.

The Complainant also asserts that the absence of an active website operated by the Respondent does not prevent a finding of bad faith under the doctrine of passive holding.

The Complainant refers to the MX and SPF records associated with the disputed domain name and expresses concern that it may be intended for phishing, particularly in view of other retail phishing schemes previously targeting the Complainant.

B. Respondent

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

6. Discussion and Findings

The Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must establish each of the three elements under paragraph 4(a) of the Policy on the balance of probabilities. WIPO Overview 3.1, sections 4.2 and 4.3.

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 the PETROSSIAN trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name reproduces the PETROSSIAN mark in its entirety. The generic Top-Level Domain ("gTLD") ".store" is disregarded for the purposes of the comparison under the first element. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 1.11.1.

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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not authorized the Respondent to use its mark, and there is no evidence that the Respondent is commonly known by the disputed domain name or has used, or made demonstrable preparations to use, it in connection with a bona fide offering of goods or services. The Respondent has not rebutted this prima facie case or provided evidence of any other rights or legitimate interests.

Furthermore, the disputed domain name is identical to the Complainant's mark and carries a high risk of implied affiliation. Its combination with the gTLD ".store" suggests an online retail outlet of the Complainant, which itself sells its products online. Nothing in the record supports a legitimate noncommercial or fair use by the Respondent. WIPO Overview 3.1, sections 2.5.1 and 1.11.2.

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.

The evidence of the longstanding use of PETROSSIAN for caviar and other fine foods, the Complainant's trademark registrations, and its retail and online activities supports a finding that the mark enjoys a substantial reputation in its sector. Earlier panels have also recognized the reputation of this mark; see *Caviar Petrossian v. Bihua Hosting*, WIPO Case No. DCO2013-0004, and *Caviar Petrossian v. qinzhichao*, WIPO Case No. D2019-2469. In light of that reputation, the exact reproduction of the mark, the commercial meaning of ".store", and the Respondent's location in France, the Panel finds, on the balance of probabilities, that the Respondent registered the disputed domain name with the Complainant and its mark in mind, intending to take unfair advantage of that mark.

The absence of an active website operated by the Respondent does not prevent a finding of bad faith under the doctrine of passive holding. The Panel must assess all the circumstances of the case. WIPO Overview 3.1, section 3.3; *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003. Here, the Panel considers the reputation of the Complainant's mark, the composition of the disputed domain name suggesting an official online store, and the Respondent's failure to provide any explanation or evidence of an actual or contemplated good-faith use. The relatively short period between registration and the filing of the Complaint does not, in these circumstances, preclude a finding of bad faith; the Panel's conclusion does not rest on the duration of non-use.

The Panel also notes the MX and SPF records shown in the Complaint. On the one hand, the record contains no evidence that the disputed domain name has actually been used to send fraudulent emails or to conduct phishing. Such DNS records do not, by themselves, establish fraudulent intent, and the record does not show whether they resulted from a specific action by the Respondent or a standard configuration supplied by the Registrar. See *BSH Hausgeräte GmbH v. Alekseyi Kirillov*, WIPO Case No. D2024-3824, footnote 1, concerning MX records. The Panel does not base its finding of bad faith on a finding of phishing or other proven email abuse. On the other hand, the Panel also notes that the nature of the disputed domain name (being identical to the Complainant's trademark with a gTLD ".store") coupled with the existence of an MX record and SPF record raise concerns as to the risk that the disputed domain name may be used for nefarious purposes.

Considering the circumstances together, the Panel finds no plausible good-faith use of the disputed domain name by the Respondent apparent from the record and concludes that its passive holding does not prevent a finding of bad faith.

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 <petrossian.store> be transferred to the Complainant.

/Alexandre Nappey/
Alexandre Nappey
Sole Panelist
Date: November 12, 2026