

ADMINISTRATIVE PANEL DECISION

Les Toises AG v. Jean Yessay, Jean Yessay
Case No. DAE2025-0005

1. The Parties

The Complainant is Les Toises AG, of Switzerland, represented by Next Web Marketing, United Arab Emirates.

The Respondent is Jean Yessay, Jean Yessay, of Switzerland.

2. The Domain Name and Registrar

The disputed domain name <lestoises.ae> is registered with AE Domain Administration (.aeDA).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2025. On March 14, 2025, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On March 18, 2025, AE Domain Administration (.aeDA) 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 2025, 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 March 20, 2025.

The Center verified that the Complaint satisfied the formal requirements of the UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “Policy”), the Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Rules”), and the Supplemental Rules for UAE Domain Name Dispute Resolution Policy – UAE DRP (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 21, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was April 10, 2025. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on April 22, 2025.

The Center appointed Andrea Mondini as the sole panelist in this matter on May 1, 2025. 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, Les Toises AG, is a Swiss company operating psychiatry and psychotherapy centers. The Complainant owns the following trademark:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
LES TOISES Centre de psychiatrie et psychothérapie (fig.)	Switzerland	672467	April 28, 2015	44

The Complainant holds several domain names containing the term LES TOISES, among them <lestois.com> and <lestois.ch>.

In 2024, the Complainant established two companies in Dubai, United Arab Emirates (“UAE”): Les Toies – FZCO on February 6, 2024, and Les Toies Support Center FZ-LLC on November 28, 2024.

The Respondent did not file a Response.

The disputed domain name was created on January 24, 2024.

According to the evidence submitted with the Complaint, the disputed domain name resolves to a blank webpage with the wording “this site is under development”.

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 as follows:

The disputed domain name is identical to the trademark in which the Complainant has rights, because it incorporates the trademark in full.

Beginning of 2024, the Complainant expanded its business to the UAE and discovered that the disputed domain name had already been registered by the Respondent but was not being used. The disputed domain name creates a likelihood of confusion because Internet users may mistakenly believe that it is owned or endorsed by the Complainant.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, and there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services.

The disputed domain name was registered in bad faith to block the Complainant’s expansion into the UAE.

The Respondent is using the disputed domain name in bad faith, by passively holding the disputed domain name. Although the disputed domain name is currently inactive, the Respondent may later use it to mislead Internet users.

B. Respondent

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

6. Discussion and Findings

According to paragraph 6(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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 or 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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.¹

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the dominant part of the mark, i.e., LES TOISES, is reproduced within the disputed domain name.

The omission of the additional descriptive terms "Centre de psychiatrie et psychothérapie" featured in the figurative trademark 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 3.0](#), section 1.8.

The addition of the country code Top-Level Domain ("cc TLD") ".ae" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 6(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 6(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 for a complainant to prove 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

¹Given the similarities between the Policy and Rules on the one hand, and the Uniform Domain Name Dispute Resolution Policy ("UDRP") and associated rules on the other hand, the Panel considers some UDRP precedents as well as the applicable sections of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), relevant to the present proceeding and will refer to them where appropriate.

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 3.0](#), 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 record does not show any indication that the Respondent might have any rights or legitimate interests in the disputed domain name.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered or Used in Bad Faith

The Panel notes that, for the purposes of paragraph 6(a)(iii) of the Policy, paragraph 6(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.

Paragraph 6(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered or 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 3.0](#), section 3.2.1.

In the view of the Panel, noting that that the Complainant's trademark predates the registration of the disputed domain name, and considering that the disputed domain name was registered in January 2024, precisely when the Complainant was in the process of expanding its business activities to the UAE, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark. Rather, this timing is an indication that the disputed domain name was registered to prevent the Complainant from registering a domain name corresponding to its trademark under the ccTLD ".ae" where the Complainant was expanding its business. In the circumstances of this case, this is evidence of registration in bad faith.

Because the disputed domain name was registered in bad faith, there is no need to assess whether the disputed domain name has also been used in bad faith.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

7. Decision

For the foregoing reasons, in accordance with paragraphs 6(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <lestoises.ae> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Panelist

Date: May 14, 2025