

ADMINISTRATIVE PANEL DECISION

Frankie Shop, LLC v. Smith John
Case No. DAE2025-0012

1. The Parties

The Complainant is Frankie Shop, LLC, of United States of America, represented by Coblenche Avocats, France.

The Respondent is Smith John, Japan.

2. The Domain Name and Registrar

The disputed domain name <thefrankieshop.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 September 5, 2025. On September 8, 2025, the Center transmitted by email to AE Domain Administration (.aeDA) a request for registrant verification in connection with the disputed domain name. On September 11, 2025, .aeDA 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 UAE Domain Name Dispute Resolution Policy for – UAE DRP approved by .aeDA (the “UAE DRP” or “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 September 15, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 5, 2025. The Respondent did not submit any Response. However, informal email communications have been received from third party on September 18, 2025. Accordingly, the Center notified the Commencement of Panel Appointment email on October 17, 2025.

The Center appointed Alfred Meijboom as the sole panelist in this matter on October 21, 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 was founded in 2014. By 2025, it has grown into a multinational concept store with locations in both New York and Paris specialized in the sale of clothing, accessories (leather goods, jewelry, etc.), women's shoes, cosmetics under its own and third parties' brands. On April 18, 2025, the Complainant opened a pop-up store in Abu Dhabi, United Arab Emirates, which was its first store in the Middle East and which event received a lot of publicity.

The Complainant owns registered trademarks for THE FRANKIE SHOP in jurisdictions throughout the world, including

- French trademark "THE FRANKIE SHOP" with registration number 4762800, of May 4, 2021, for goods and services in classes 3, 4, 9, 14, 18, 25 and 35; and
- International trademark "THE FRANKIE SHOP" with registration number 1648994, of October 12, 2021 for goods and service in classes 3, 4, 9, 14, 18, 25 and 35, designating, inter alia, Japan and the United Arab Emirates.

The Complainant asserts to have built a strong online presence and, to that end, owns many domain names that consist of or are composed of its trademark THE FRANKIE SHOP, including <thefrankieshop.com> since 2014, from which it operates its main website, as well as other domain names, including <thefrankieshop.fr>, <thefrankieshop.us> and <thefrankieshop.ch>. The Complainant is also present on various social media platforms, including Instagram, where its page has over 1.6 million followers, and TikTok, with over 125,500 followers.

The Respondent registered the disputed domain name on April 15, 2025. It resolves to a website offering the disputed domain name for sale for USD 1,999, with MX records being configured.

On September 18, 2025, the Center received an email from a third-party company claiming that it had received the Written Notice sent by the Center, but that it has not registered the disputed domain name, does not have access to the email address associated with the registration, and that there is no individual named "John Smith" in their office.

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 identical to the Complainant's "THE FRANKIE SHOP" trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is not related in any way to the Complainant. According to the Complainant, the Respondent is not a licensee of the Complainant, and is not affiliated with the Complainant. The

Complainant has not granted any authorization for the Respondent to make use of its trademark in a domain name or otherwise. Further, the Complainant asserts that the Respondent cannot assert that prior to the notice of the dispute it was using, or had made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services.

According to the Complainant, its THE FRANKIE SHOP trademark is well known throughout the world, including in the United Arab Emirates, and closely associated with the Complainant's goods and services, which, as a result, acquired considerable reputation and goodwill worldwide. In addition, the Complainant

had recently received substantial media attention in relation to its launch of a pop-up retail store in the United Arab Emirates. Therefore, the Complainant submits that the Respondent could not credibly argue that it did not have knowledge of the Complainant and its “THE FRANKIE SHOP” trademark rights when it registered the disputed domain name. Further, the Complainant alleges that the disputed domain name was offered for sale for valuable consideration in excess of its documented out-of-pocket costs primarily for the purpose of selling it to the Complainant. For these reasons the Complainant asserts that the Respondent registered the disputed domain name in bad faith. The Complainant asserts that the Respondent also uses the disputed domain name in bad faith because the Respondent is seeking to obtain financial gain derived from the goodwill and reputation attached by offering the disputed domain name for sale for USD 1,999. The Complainant also asserts the configuration of MX records for the disputed domain name supports an inference that the disputed domain name could be used for phishing purposes.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition¹ (“[WIPO Overview 3.0](#)”), the consensus view of UDRP panels is that the Respondent’s default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 6(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent’s default, paragraph 6 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 trademarks and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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

The Panel finds the disputed domain name consist entirely of the Complainant’s “THE FRANKIE SHOP” trademark. Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

¹ In view of the fact that the UAE DRP is substantially similar to the Uniform Domain Name Dispute Resolution Policy (“UDRP”), it is well established that both cases decided under the UAE DRP and cases decided under the UDRP, and therefore [WIPO Overview 3.0](#), may be relevant to the determination of this proceeding (e.g., *AIH General Merchandise UG (haftungsbeschränkt) & Co. KG v. Ahmed ElBaradei*, WIPO Case No. [DAE2017-0002](#)).

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 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 3.0](#), 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 Panel is satisfied that the Respondent is not commonly known by the disputed domain name and was not licensed or authorized by the Complainant to register the disputed domain name. The Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. Offering the disputed domain name for sale for an amount that likely exceeds the Respondent’s out-of-pocket costs does not constitute use in connection with a bona fide offering of goods or services, nor legitimate noncommercial or fair use of the disputed domain name.

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

C. Registered or is Being 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.

In the present case, the Complainant showed that it registered the “THE FRANKIE SHOP” trademarks well before the Respondent registered the disputed domain name, and that the disputed domain name was registered only a few days before the opening of the Complainant’s pop-up store in Abu Dhabi, which undisputedly generated a lot of media attention. Therefore, the Panel considers it likely that the Respondent registered the disputed domain name because it was familiar with the Complainant and its “THE FRANKIE SHOP” trademark. Consequently, the Panel is satisfied that the disputed domain name was registered in bad faith.

Given the Panel’s finding above and the circumstance that the disputed domain name, directly or rather shortly after registration, resolved to a website offering the disputed domain name for sale for an amount that, in the Panel’s opinion, substantially exceeds the out-of-pocket costs directly related to the disputed domain name, the Panel finds that the disputed domain name was likely registered primarily for the purpose of selling it to the Complainant or to competitors of the Complainant (paragraph 6(b)(i) of the Policy).

The Panel further infers from the fact that the Respondent has undisputedly set up MX records, and also taking into account the nature of the disputed domain name, which is identical to the Complainant’s “THE FRANKIE SHOP” trademark, and the use of false registration details that the Respondent has registered the

disputed domain name in bad faith. It was incumbent upon the Respondent to contest this with reasoned arguments, which it failed to do. Based hereon, the Panel is satisfied that the Respondent also uses the disputed domain name in bad faith.

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

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 <thefrankieshop.ae> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Panelist

Date: November 4, 2025