

ADMINISTRATIVE PANEL DECISION

Bal du Moulin Rouge v. Iventures Pty Ltd
Case No. DAU2025-0025

1. The Parties

The Complainant is Bal du Moulin Rouge, France, represented by Casalonga, France.

The Respondent is Iventures Pty Ltd, Australia.

2. The Domain Names and Registrar

The disputed domain names <moulinrouge.au> and <moulinrouge.com.au> are registered with Drop.com.au Pty Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 27, 2025. On June 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 1, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on July 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. However, the Center received email communications on July 7, 2025, from the third party initially reflected as the registrant by the Registrar confirming it was not the registrant. Accordingly, on July 10, 2025, following correspondence with the Center, the Registrar transmitted by email to the Center its verification response confirming that the Respondent identified in the initial Complaint is listed as the registrant and providing the contact details. The Center emailed the Registrar several times to confirm that the contact details for the Respondent were correct. As no clarification was received, the Center has proceeded based on the details provided by the Registrar.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (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 August 5, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was August 25, 2025. The Respondent did not submit any response.

The Center appointed Rebecca Slater as the sole panelist in this matter on August 29, 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 is French public limited company which operates a cabaret show and tourist attraction in Paris, France. The Complainant is known worldwide by the name “Moulin Rouge”. The Complainant was created in 1889 and is best known as the spiritual birthplace of the modern form of the can-can dance. The “Moulin Rouge” is one of the most famous tourist attractions in Paris. Millions of spectators have witnessed a show at the “Moulin Rouge”. The Complainant provided comprehensive evidence of its reputation, including in Australia.

The Complainant holds trade mark registrations for the MOULIN ROUGE word mark, including European Union Trade Mark Registration No. 000110437 (registered November 5, 1998) and Australian Trade Mark Registration No. 1669158 (registered August 23, 2017) (the “Trade Mark”). The Complainant also holds trade mark registrations for composite marks containing the Trade Mark in various jurisdictions.

The Complainant has operated the website at the <moulinrouge.fr> domain name for almost 25 years (registered October 23, 1999). It has also registered other domain names incorporating the Trade Mark.

The Respondent is apparently located in Australia. The Respondent did not submit a formal response, and consequently little additional information is known about the Respondent.

As per the Registrar, the disputed domain name <moulinrouge.com.au> was registered on March 25, 2006, whereas the disputed domain name <moulinrouge.au> was registered on September 20, 2022.

Each disputed domain name redirects to a website where the disputed domain name is offered for sale for USD 9,795. The background for each offer page is a photograph of the “Moulin Rouge” theatre.

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 names.

Notably, the Complainant contends that:

- The Trade Mark is entirely reproduced within each disputed domain name.
- The Complainant has no relationship with the Respondent. The Complainant has not granted the Respondent any license, permission or authorization to use the Trade Mark in any manner. Neither disputed domain name reflects any name by which the Respondent is commonly known. The Respondent has not been making a legitimate noncommercial or fair use of the disputed domain names without intent for commercial gain. Each disputed domain name redirects to a page where the disputed domain name is advertised for sale for an amount that is much higher than market value.

- There is no doubt that the Respondent was aware of the Trade Mark when it registered the disputed domain names, given the Complainant's extensive use of the Trade Mark for over a century and the fame of the Trade Mark (including in Australia). Internet users would expect that the websites at the disputed domain names are the Complainant's official websites, instead they offer the disputed domain names for sale. The Respondent is using the disputed domain names to intentionally misdirect Internet users searching for information about the Complainant or searching for the Complainant's authorized goods and services by creating a likelihood of confusion with the Trade Mark. There is no active website at either disputed domain name. The advertised sale price for each disputed domain name is in excess of the Respondent's out of pocket costs.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain names are identical or confusingly similar to a name, trade mark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered or subsequently used in bad faith.

The onus of proving these elements is on the Complainant.

The Panel notes issues and delays in communications with the Registrar in this case, and that the Center took appropriate steps to seek clarification and confirmation of the registration data for the disputed domain names. Further, the Center notified the Respondent of the dispute with all available contact information, including the details provided by the Registrar. Accordingly, the Panel finds that the Center has discharged its obligations under paragraph 2(a) of the auDRP Rules, and it appropriate to proceed to a Decision. In this regard, the Panel also notes the below findings regarding the Respondent's lack of rights or legitimate interests and the finding of bad faith registration and use of the disputed domain names.

A. Identical or Confusingly Similar

The disputed domain names are identical to the Trade Mark in which the Complainant has rights. Generally, and as is appropriate in this case, the Top-Level Domain or Second Level Domain (i.e., ".au" and ".com.au") is disregarded (see section 1.11 of the Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0")).

The Respondent does not contest this point.

The Complainant succeeds on the first element of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that the Complainant must establish that the Respondent has no rights or legitimate interests in the disputed domain names. Paragraph 4(c) non-exhaustively lists circumstances that can demonstrate the Respondent's rights or legitimate interests in the disputed domain names.

In the Panel's view, the following establish a prime facie case against the Respondent:

- The Respondent is not using (and there is no evidence that the Respondent has demonstrable preparations to use) the disputed domain names in connection with a bona fide offering of goods or services. The website at each disputed domain name resolves to a parking page advertising the disputed domain name for sale.
- The Complainant has not licensed or otherwise authorized the Respondent to use the Trade Mark.
- There is no evidence to suggest that the Respondent might be commonly known by the disputed domain name.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain names.

The website at each disputed domain name resolves to a parking page advertising the disputed domain name for sale.

The burden of production shifts to the Respondent to provide evidence of its rights or legitimate interests under paragraph 4(c) of the Policy (see, e.g., *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. [DAU2002-0001](#)). The Respondent has not provided any evidence to demonstrate its rights or legitimate interests in the disputed domain names.

Under these circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names. The second element of the Policy is satisfied.

C. Registered or Subsequently Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the disputed domain names have been registered or subsequently used in bad faith.

The Trade Mark is famous worldwide, and the Panel finds that it is more likely than not that the Respondent was aware of the Trade Mark at the time the disputed domain names were registered.

Each disputed domain name redirects to a website that advertises the disputed domain name for sale for USD 9,795. Registering or acquiring a domain name for the purpose of selling, renting or otherwise transferring the domain name registration to another person for valuable consideration in excess of out-of-pocket costs directly related to the domain name is an indication of registration and use of the relevant domain name in bad faith (see paragraph 4(b)(i) of the Policy). Out-of-pocket costs include the costs of obtaining, registering, and maintaining a domain name. This issue of "excessive" out-of-pocket costs is considered on a case-by-case basis. Noting price comparison search evidence provided in the Complaint, the amount for which each disputed domain name is advertised for sale, being USD 9,795, would greatly exceed the Respondent's out-of-pocket costs directly associated with the disputed domain name. In circumstances where there is no active website associated with either disputed domain name, the Panel finds that the Respondent's offer to sell the disputed domain names for an amount in excess of its out-of-pocket costs is evidence of registration and use of the disputed domain names in bad faith in accordance with paragraph 4(b)(i) of the Policy.

For completeness, paragraph 4(b)(ii) of the Policy provides that registering a domain name in order to prevent the owner of a name, trade mark or service mark from reflecting that name or mark in a corresponding domain name may be evidence of bad faith. Here, each disputed domain name consists solely of the Trade Mark, which was registered and used by the Complainant long before the registration of the disputed domain names. This has the effect of preventing the Complainant from reflecting its Trade Mark in a domain name in the .au namespace (through a direct or second-level registration) and is therefore evidence of bad faith (see section 3.1.2 of the auDRP Overview 2.0).

The Complainant succeeds on the third element of the Policy.

7. Decision

For all the foregoing reasons, in accordance with Paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names, <moulinrouge.com.au> and <moulinrouge.au>, be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: September 17, 2025