ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

PANEL DECISION
Metropolitan Filmexport v. Abou Zakhm Selim, Bernadette
Case No. DEU2026-0014

1. The Parties

The Complainant is Metropolitan Filmexport, France, represented by Taylor Wessing LLP, France.

The Respondent is Abou Zakhm Selim, Bernadette, Canada.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <sooner.eu> is the European Registry for Internet Domains ("EURid" or the "Registry"). The Registrar of the disputed domain name is D-Cube Resource.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 8, 2026. On April 10, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On April 14, 2025, the Registry 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 (unknown). The Center sent an email communication to the Complainant on April 14, 2026 providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 20, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on April 21, 2026. In accordance with the ADR Rules, Paragraph B(3)(a), the due date for Response was May 11, 2026. The Response was filed with the Center on May 1, 2026.

The Center verified that the Response satisfied the formal requirements of the ADR Rules and the Supplemental Rules.

The Center appointed Kaya Köklü as the sole panelist in this matter on May 8, 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant is a French joint stock company active in the field of audiovisual entertainment and online streaming services, with a particular focus on European arthouse and independent films.[1]

The Complainant is the registered owner of the European Union Trademark Registration No. 013218862, registered on March 6, 2015, for the word mark SOONER, covering protection for various services in classes 35, 36, 38, 41, and 42.

The Complainant further owns and operates its streaming services at several domain names comprising its SOONER trademark, such as <sooner.fr> and <sooner.de>.

According to information available on the Complainant's website at <sooner.de>, the Complainant started offering its streaming services under the trademark SOONER in the year 2020.

The Respondent is reportedly located in Canada and has apparently been involved in numerous other disputes under the Uniform Domain Name Dispute Resolution Policy ("UDRP") as a respondent before, where panels have found bad faith conduct on the part of the Respondent.

The disputed domain name was registered on January 26, 2019.

The disputed domain name has not been actively used since its registration and resolves to the website of a sales platform, where the disputed domain name is offered for sale.

Prior to the present proceeding, the Parties were engaged in negotiations through the sales platform for the acquisition of the disputed domain name. According to uncontested information provided by the Complainant, the Parties ultimately agreed on the acquisition of the disputed domain name for a price of EUR 10,000.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain name. It contends that it has satisfied each of the elements required under the ADR Rules.

In particular, the Complainant contends that the Respondent registered and has held the disputed domain name in bad faith. In this regard, the Complainant argues that the Respondent has passively held the disputed domain name solely as an asset for sale and without any bona fide use since its registration. The Complainant also argues that the Respondent knew or should have known the Complainant's SOONER

[1] The Panel notes its general powers articulated inter alia in paragraph 7(a) of the ADR-Rules and has visited the websites of both, the Complainant and the Respondent, which are publicly available, in order to verify the Parties' submissions and to assess the actual use of the SOONER trademark and the disputed domain name respectively. The Panel considers this process of verification useful in assessing the case merits and reaching a decision.

trademark when registering the disputed domain name. In addition, the Complainant relies its argumentation on bad baith on a number of previous UDRP decisions involving the Respondent in which findings of bad faith were made.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under ADR Rules for a transfer of the disputed domain name.

It is argued that the Respondent is in the business of registering, buying and selling generic domain names. It is further asserted that the disputed domain name was initially registered already in 2016, but was not renewed in 2019 due to a mistake, but then registered by the Respondent again within only half an hour after the disputed domain name became available for registration again.

The Respondent argues that it registered the disputed domain name only for its intrinsic value and attractiveness to many potential parties as a generic and non-distinctive dictionary word. The Respondent particularly alleges that it did not target the Complainant and was not even aware of the Complainant or its SOONER trademark until recently. It is asserted that even during the negotiations for the acquisition of the disputed domain name, the Respondent did not know the identity of the Complainant.

6. Discussion and Findings

In terms of the ADR Rules, Paragraph B11(d)(1), the Complainant is required to demonstrate that:

(i) The disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law and; either

(ii) The disputed domain name has been registered by the Respondent without rights or legitimate interest in the name; or

(iii) The disputed domain name has been registered or is being used in bad faith.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

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 name in respect of which a right is recognized by national law of a Member State and/or European Union law and the disputed domain name.

Based on the available record, the Panel finds the Complainant has shown rights in the SOONER trademark by virtue of a European Union trademark registration.

The entirety of the SOONER mark is reproduced within the disputed domain name without any amendments or additions. Accordingly, the disputed domain name is identical to the SOONER mark for the purposes of the ADR Rules.

The Panel finds the first element of the ADR Rules has been established.

B. Rights or Legitimate Interests

Pursuant to the ADR Rules, Paragraph B11(d)(1)(ii), it is up to the complainant to plead and prove accordingly that the disputed domain name has been registered by the respondent without rights or legitimate interests therein. The ADR Rules contain in Paragraph B11(e) a non-exhaustive list of case

scenarios suitable to prove rights or legitimate interests of a respondent. Inasmuch as it is typically difficult to prove a negative fact (here the absence of rights or legitimate interests), it is in line with the majority view of UDRP panels as well as in .eu ADR proceedings that it is sufficient if the complainant establishes a so-called prima facie case. This results in a shifting of the burden of production, and it is then up to the respondent to present and prove that there are corresponding rights or legitimate interests in the disputed domain name (see for example: *Lidl-Stiftung & Coupon KG v. Name Redacted*, WIPO Case No. DEU2018-0012).

It is undisputed between the Parties that the Respondent has neither been granted a license nor has it been otherwise authorized by the Complainant to register and use the disputed domain name. There is also no indication in the current record that the Respondent is commonly known by the disputed domain name, particularly as the disputed domain name, apart from resolving to the website of a sales platform, has apparently never been actively used since its registration in 2019, respectively even 2016. Consequently, there is a prima facie case being presented by the Complainant.

Against this prima facie case of the Complainant, the Respondent argues that the registration and holding of the disputed domain name, including its offering for sale, constitutes a lawful and legitimate use, provided that no trademark targeting is involved. In this context, the Respondent particularly argues that the Complainant's trademark is a generic and non-distinctive dictionary word in the English language and that the disputed domain name was registered only for its intrinsic value and attractiveness to many potential buyers.

In cases involving dictionary or descriptive terms, panels often assess whether the Respondent's actual use of the disputed domain name corresponds to the term's generic or descriptive meaning, or whether the Respondent is instead seeking to capitalize on the Complainant's trademark rights. However, where the Respondent's use is not genuinely descriptive, panels do not necessarily find that the Respondent lacks rights or legitimate interests in the disputed domain name. Panels have not found it strictly necessary for the disputed domain name to be used to host content that corresponds to the dictionary meaning, such use would support a respondent's attempt to rebut the claim made against it of a lack of a right or legitimate interest. As long as the disputed domain name is being used in a way that does not trade off a complainant's trademark.

In the present case, it is undisputed that the Respondent is not using the disputed domain name or the corresponding term in a purely descriptive manner. The actual use is rather limited in offering the disputed domain name for sale. However, as explained in more details under the third element, the Complainant has failed to prove that the Respondent was targeting the Complainant or its activity. Even if the disputed domain name has been offered for sale, noting that the disputed domain name corresponds to a dictionary term, the Panel does not have enough evidence to conclude that the Respondent is trading off the Complainant's trademark.

Hence, the Panel finds that the second element of the ADR Rules has not been established.

C. Registered or Used in Bad Faith

The Panel notes that for the purposes of ADR Rules, paragraph B(11)(f) establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and/or use of a domain name in bad faith. Other circumstances may be relevant as well in assessing whether a respondent's registration and use of a domain name is in bad faith.

The Complainant argues that the Respondent must have been acting in bad faith, with the Complainant in mind, when registering the disputed domain name. It further argues that offering the disputed domain name for sale at a price apparently exceeding out-of-pocket expenses should be assessed as an additional indication of bad faith. The Complainant also argues a pattern of abusive registrations as the Respondent has already been involved in numerous UDRP proceedings where the panels have found bad faith conduct on the part of the Respondent.

The Panel duly takes note of these arguments and circumstances presented by the Complainant.

However, the Panel also notes that the Complainant's trademark SOONER has a common dictionary meaning in the English language independent of the Complainant's trademark and its trademark protected services.

The Panel further notes that the disputed domain name had been registered by the Respondent for over 7 years (if not 10 years) before the Complaint was filed, and that the Complainant has not been able to produce any evidence of actual targeting during this time. At least, the Panel could not find any direct evidence of targeting or malicious use.

The Panel also bears in mind that the Complainant states on its own website that it launched its services under the SOONER trademark not before 2020, namely after the Respondent had already registered the disputed domain name, whether in 2016 or 2019, which may weigh against a finding of targeting or bad faith.

Also, the mere offer for sale of the disputed domain name is not per se a sufficient indication of cybersquatting and bad faith, and in the present proceeding there is not sufficient evidence as to conclude that the disputed domain name was acquired primarily for the purpose of selling it to the Complainant as opposed to it being registered due to its value arising from it corresponding to a dictionary term.

The Panel does not overlook that the Respondent has been involved in previous UDRP proceedings in which panels found bad faith conduct on the part of the Respondent. However, the mere existence of such prior findings does not automatically lead to the conclusion that every domain name registered by the Respondent was necessarily registered in bad faith, particularly where, as in the present case, the disputed domain name consists of a dictionary term and the Respondent asserts that it is engaged in the business of registering and reselling domain names and had no knowledge of the Complainant and its trademark until recently.

In light of the above, the Panel finds that it is at least equally probable that the disputed domain name was registered for its dictionary meaning and, hence, its common attractiveness to various potential buyers, without the intent to specifically target the Complainant. As the general burden of proof is on the Complainant to prove its case on balance of probabilities, the Panel finds that in the present case, there is insufficient evidence of bad faith targeting.

All in all, the Panel finds that the third element of the ADR-Rules has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Kaya Köklü/
Kaya Köklü
Sole Panelist
Date: May 22, 2026