

## **ADMINISTRATIVE PANEL DECISION**

MARIE CLAIRE ALBUM v. om jee

Case No. DPH2025-0006

### **1. The Parties**

The Complainant is MARIE CLAIRE ALBUM, France, represented by Dennemeyer & Associates SAS, France.

The Respondent is om jee, India.

### **2. The Domain Name and Registrar**

The disputed domain name <marieclaire.com.ph> is registered with DotPH (the “Registry”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 9, 2025. On September 10, 2025, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On September 11, 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 (redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 12, 2025, 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 September 12, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the dotPH Domain Name Dispute Resolution Policy (the “Policy”), the .PH Uniform Dispute Resolution Implementation Rules (the “Rules”), and the WIPO Supplemental Rules for .PH (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 25, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 15, 2025. The Respondent did not submit any formal Response but sent email communication to the Center on September 12, 2025. On October 16, 2025, the Center informed the Parties about Commencement of Panel Appointment Process.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on October 22, 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**

It results from the Complainant's undisputed allegations that it is active in the field of women's magazines and lifestyle media. The first issue of Marie Claire was published in France in 1937. From its inception, Marie Claire stood out as a pioneering publication, offering a unique editorial combination of journalistic depth, women's rights advocacy, fashion, and cultural content. Since its foundation, the Marie Claire brand has grown into one of the most prominent women's media brands globally, with a sustained presence in 29 countries, published in 17 different languages, and reaching millions of readers worldwide every month. Over the decades, it has expanded far beyond print media. The brand encompasses a wide portfolio, including: specialized publications, digital platforms, mobile applications, newsletters, events, social advocacy campaigns, literary and artistic awards.

The Complainant owns numerous trademark registrations throughout the world for or containing MARIE CLAIRE, e.g. International trademark registration No. 338976, MARIE-CLAIRE registered on August 25, 1967, for goods and services in classes 01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42 and covering amongst others Germany; International trademark registration No. 318394, MARIE-CLAIRE registered on August 4, 1966, for goods in class 25 and covering amongst others Germany; Philippine trademark registration No. 4-1993-59196 MARIE CLAIRE, registered on September 5, 1994, for goods in classes 3, 9, 16, 18, and 28.

In addition, the Complainant uses amongst others the domain name <marieclaire.com> for its official website.

The disputed domain name was registered on June 15, 2024. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolved to a website, prominently displaying without authorization the Complainant's trademark and logo and showing in its design similarities with the Complainant's official website.

#### **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 trademark since it identically adopts the Complainant's trademark and merely adds the country code Top-Level Domain ("ccTLD").

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, it has not licensed, permitted, or otherwise authorized the Respondent to use its internationally well-known and long-established trademark MARIE CLAIRE in any manner, including in a domain name. The Complainant has no affiliation with the Respondent, and no business or contractual relationship exists between the Parties. The Respondent is not, and has never been, commonly known by the name "Marie Claire". There is no evidence that the Respondent has registered any business or trademark under that name, nor that it has acquired any rights to it through use. The MARIE CLAIRE name is strongly associated with the Complainant's internationally recognized women's magazine

and media brand and has no apparent legitimate connection to the Respondent. The disputed domain name resolves to an active website and the content on the site closely imitates the Complainant's branding, style, and editorial themes, including the use of the MARIE CLAIRE name and similar design elements. This creates a false impression that the website is associated with or endorsed by the Complainant. Such use is clearly not bona fide. It is an unauthorized attempt to capitalize on the goodwill of the Complainant's well-known trademark by misleading Internet users and diverting traffic for the Respondent's benefit. The use of a famous trademark in this way, without permission and in direct competition or imitation, does not confer any rights or legitimate interests under the Policy. The Respondent's use of the domain name is neither noncommercial nor fair. There is no disclaimer on the website, and the presentation deliberately mimics the official MARIE CLAIRE brand, suggesting an intent to mislead users into believing they are visiting an official site.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent's conduct demonstrates a clear intent to exploit the Complainant's well-known MARIE CLAIRE trademark and to deceive Internet users for its own benefit. The Complainant's MARIE CLAIRE trademark is internationally recognized and has been in use for decades in connection with women's magazines and media content. The Complainant has actively used and licensed the mark worldwide, including in the Philippines. Given the global reputation of the mark and the prior local presence in the Philippines, the Respondent must have known of the Complainant's rights at the time of registration. The Respondent's decision to register a domain name identical to the Complainant's mark under the Philippine ccTLD cannot plausibly be a coincidence and supports a finding of bad faith registration. Further, the Respondent creates fake "Marie Claire" digital covers, some of which imitate the format and branding of the official magazine, without permission or disclosure. This behavior is highly misleading and deceptive, and further confirms that the disputed domain name is being used in bad faith. These actions are clearly intended to confuse users, divert traffic, and benefit commercially, without authorization or justification.

## **B. Respondent**

The Respondent sent an informal email communication to the Center on September 12, 2015.

"This is the first time I have been made aware of such a matter, and I would like to clarify my position regarding the domain name MarieClaire.com.ph. As soon as I became aware of the concerns, I immediately took down the website and removed all content connected with the domain. The domain is currently inactive, and the hosting account has already been suspended. Although the domain registration is still valid for some remaining months, I confirm that it will not be renewed at expiry. I would like to emphasize that there was never any intention to cause harm to the Complainant's rights. I regret any inconvenience caused and fully respect the rules and procedures in place. I do not contest the Complaint and will not oppose the transfer or cancellation of the domain as decided by the Panel."

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (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 and is being used in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied

### **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. <sup>1</sup>

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 proceedings due to the Policy 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.

Moreover, the Panel notes that the nature of the disputed domain name carries a high risk of implied affiliation, since the disputed domain name is identical to the Complainant's MARIE CLAIRE trademark and that the trademark MARIE CLAIRE is not a combination of terms that one would legitimately adopt as a domain name unless to suggest an affiliation with the Complainant. Generally speaking, previous panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1). The Panel shares this view.

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

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<sup>1</sup>Although [WIPO Overview 3.0](#) is directed to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), given the similarity between the UDRP and the Policy, it is appropriate to have regard to these principles except to the extent that the Policy diverges from the UDRP.

### **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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolved to a website prominently displaying the Complainant's trademark and logo. For the Panel, it is therefore evident that the Respondent positively knew the Complainant's mark. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included the Complainant's trademark when it registered the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and 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.

On this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name (identical to the Complainant's mark);
- (ii) the content of the website to which the disputed domain name directs, prominently displaying the Complainant's trademark and logo and showing in its design similarities with the Complainant's official website; and
- (iii) a clear absence of rights or legitimate interests coupled with the Respondent's lack of opposition to the transfer or cancellation of the disputed domain name;

The Panel finds that the Complainant has established 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 name, <marieclaire.com.ph> be transferred to the Complainant.

*/Tobias Malte Müller/*

**Tobias Malte Müller**

Sole Panelist

Date: November 5, 2025