

ADMINISTRATIVE PANEL DECISION

Interparfums SA v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)
/ Jerome Vallard
Case No. D2022-1751

1. The Parties

The Complainant is Interparfums SA, France, internally represented.

The Respondent is Domain Admin, Privacy Protect, LLC (PrivacyProtect.org), United States of America (“US”) / Jerome Vallard, France.

2. The Domain Name and Registrar

The disputed domain name <comptabilite-interparfums.com> (the “Disputed Domain Name”) is registered with Hostinger, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2022. On May 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 17, 2022, the Registrar 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 May 18, 2022 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 May 24, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 20, 2022.

The Center appointed Isabelle Leroux as the sole panelist in this matter on June 24, 2022. 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 Interparfums SA, a French company founded in 1982, which develops, manufactures, and distributes prestige perfumes and cosmetics for various brands notably Lanvin, Rochas, Guess, Moncler, and Kate Spade. Through its global international distribution network, the Complainant's products are sold in over 120 countries.

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- French word trademark INTER PARFUMS No. 99781389, registered on March 12, 1999 for goods in classes 3, 18, and 24; and
- US word trademark INTER PARFUMS No. 2682840, registered on February 4, 2003 for goods in classes 3, 18, and 24; and
- International registration word trademark INTER PARFUMS No. 763213, registered on March 16, 2001 for goods in classes 3, 18, and 24.

Hereafter the "Trademarks" or "Trademark".

The Complainant also owns several domain names containing the Trademark INTER PARFUMS, including the following: <interparfums.fr> registered on June 3, 1999 and <interparfums-finance.fr> registered on September 17, 2019.

The Disputed Domain Name <comptabilite-interparfums.com> was registered on January 13, 2022 and reverted at that time to the Registrar's parking website.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

a) The Disputed Domain Name is identical or at least confusingly similar to the Complainant's Trademarks since the Disputed Domain Name is composed of the Complainant's Trademarks and business name, associated to the French term "comptabilite" which means "accounting" in English. Thus, the Disputed Domain Name is highly likely to create confusion among the Complainant's suppliers who will mistakenly think that they are linked to the Complainant's accounting department.

b) The Respondent has no rights nor legitimate interests in the Disputed Domain Name since:

- The Complainant has never granted any license or authorization of use to the Respondent;
- The Respondent is not commonly known under the Disputed Domain Name;
- There is no evidence that the Respondent has a history of using, or has prepared to use the Disputed Domain Name in connection with a *bona fide* offering of goods and services.

c) The Respondent has registered and used the Disputed Domain Name in bad faith, notably given the following factors:

- The Disputed Domain Name fully reproduces the Complainant's arbitrary Trademarks and business name;
- The use of the Disputed Domain Name would necessarily create confusion with the genuine accounting department of the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the INTER PARFUMS Trademarks which have been filed and registered several years before the registration of the Disputed Domain Name.

Then, the Panel notices that the Disputed Domain Name is composed of the identical reproduction of the INTER PARFUMS Trademarks, to which has been added (i) the term "comptabilite" ("accounting" in English), (ii) as well as the generic Top-Level Domain (gTLD) ".com".

The addition of the descriptive term "comptabilite" does not avoid a finding of a confusing similarity since the Complainant's Trademarks are clearly recognizable in the Disputed Domain Name.

See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

Furthermore, the gTLD ".com" is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's Trademark. The first element of paragraph 4(a) of the Policy is thus fulfilled.

B. Rights or Legitimate Interests

Numerous UDRP panels have found that, even though the complainant bears the general burden of proof under paragraph 4(a)(ii) of the UDRP, 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See section 2.1 of the [WIPO Overview 3.0](#).

In this case, the Complainant brings forward the following assertions:

- No license or authorization has been granted by the Complainant to the Respondent;
- The Respondent does not appear to be known under the Disputed Domain Name, nor to have any prior rights in such name; and

- There is no evidence that the Respondent has a history of using, or has prepared to use the Disputed Domain Name in connection with a *bona fide* offering of goods and services.

Therefore, the Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The Respondent has not come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

Moreover, the nature of the Disputed Domain Name carries a risk of implied affiliation. See section 2.5.1 of the [WIPO Overview 3.0](#).

Given these circumstances and the Panel's finding under section 6.C below, the Panel finds that the second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the Disputed Domain Name was registered and is being used by the Respondent in bad faith.

The Panel considers that the Respondent could not plausibly ignore the existence of the Complainant's business name and INTER PARFUMS Trademarks at the time of the registration of the Disputed Domain Name since (i) the Disputed Domain Name was registered many years after the registration of Complainant's Trademarks, (ii) the reputation of the Trademark INTER PARFUMS, and (iii) the Respondent being French would have known the Complainant for many years.

The Panel therefore finds that the Disputed Domain Name was registered in bad faith.

As to the use of the Disputed Domain Name in bad faith, before the Registrar accepted to block the Disputed Domain Name on January 17, 2022, the Disputed Domain Name reverted to the Registrar's parking page. Prior UDRP panels have recognized that passive holding of a domain name would not prevent a finding of bad faith. See in particular *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Respondent's failure to reply to the Complainant's contentions give no other basis to the Panel to believe that the Disputed Domain Name might conceivably be put to good faith use.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be illegitimate.

Consequently, the Panel finds that the Disputed Domain Name was registered and is being used in bad faith, so that the final element of paragraph 4(a) of the Policy is met.

7. Decision

For 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 <comptabilite-interparfums.com> be transferred to the Complainant.

/Isabelle Leroux/

Isabelle Leroux

Sole Panelist

Date: July 8, 2022