Decision for dispute CAC-UDRP-101819

Case number	CAC-UDRP-101819
Time of filing	2017-12-28 09:58:11
Domain names	philippplein.site , philipppleineoutlet.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Name	Philipp Plein

Complainant representative

Organization	Barzano&Zanardo Milano S.p.A.

Respondent

Name	John Smith

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings.

IDENTIFICATION OF RIGHTS

The Complainant is the German fashion designer PHILIPP PLEIN, founder of the eponymous and universally recognized brand. He is the owner of the following trademarks:

(i) PP (device), US Registration No. 4181456, filed on October 5, 2011 and registered on July 31, 2012, for goods in classes 3, 14, 18, 20, 21, 24, 25 and 28.

(ii) Philipp Plein, US Registration No. 4918695, filed on March 3, 2014 and registered on March 15, 2016, for goods in classes 3, 14, 21, 24 and 28.

(iii) Philipp Plein, EU Registration No. 002966505, filed on December 6, 2002 and registered on January 21, 2005, for goods in classes 3, 14, 18, 20, 21, 24, 25 and 28.

(iv) PP Philipp Plein (device), EU Registration No. 012259503, filed on October 28, 2013 and registered on March 24, 2014, for goods in classes 3, 14, 18, 20, 21, 24, 25, 28.

The litigious domain names <philipppleinoutlet.com> and <philippplein.site> were registered on March 4, 2017 and November 21, 2017.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

I. Request for consolidation against multiple Registrants

(Rules, Paragraphs 3(c), 10(e))

While paragraph 3 of the Rules sets a general provision according to which a "complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder, paragraph 10(e) of the Rules grants the Panel a general power to consolidate multiple domain names disputes in accordance with the Policy and the Rules. It follows from the above that the UDRP proceedings foresee that under certain conditions, the Panel may decide to consolidate different domain names disputes brought against different Respondents.

In case of multiple Respondents, the Panel identified the following conditions under which the consolidation could be requested:

1. the domain names or the websites to which they resolve are subject to common control; and

2. the consolidation would be fair and equitable to all parties.

When assessing the common control issue, the Panel should take into consideration all the relevant circumstances of the case. In particular, indicia of common control have been found in:

(i) Whois common registration elements, among which, identical Registrar (FragranceX.com, Inc. v. Argosweb Corp a/k/a Oleg Techino and others Case No. D2010-1237) and Hosting Provider.

In the present case, the disputed domain names are registered with the same Registrar, namely Namecheap Inc., and share identical Name Servers .

(ii) The adoption of a common format (Blue Cross and Blue Shield Association, Empire and others v. Private Whois Service and others, Case No. D 2010-1699).

In the present case, both disputed domain names entirely contain the Complainant's verbal trademark, which is also the name of the famous German stylist Philipp Plein.

(iii) The disputed domain names resolve to identical websites (Sharman License Holdings, Lim., v. Dustin Dorrance and others Case no. D2004-0659; Csa International v. John O. Shannon and others Case no. D2000-0071). It is very significant to note that the Panellist gave a broaden interpretation of the Common Control threshold, often considering sufficient the identity / or substantial identity of the website's content (i.e. "UDRP panels have found that common control can be exercised in various circumstances, including, where the content of the websites were substantially identical and referred Internet visitors to a common "homepage" Case No. D2012-0821; "The Panel accepts the Complainant's submission and agrees that the similarities between the two websites in question are sufficient to establish, on the balance of probabilities, that those domain names are in common control" Case No. D2014-1000).

In the present case, the relevant domain names link to identical websites. It is worth noting that the goods offered for sale through the websites, are displayed exactly in the same order, with the same price as well as the same name of the single item. Further, the homepages of both websites contain the same image taken from the Complainant's official advertising campaign. Finally, both websites refer to the US Company VogueMark Inc., 1221 Broadway, Oakland, CA 94612, United States, as the owner of the websites.

In light of these considerations, it is clear that the disputed domain names are prima facie either owned by the same individual, or are subject to a common control. Hence the Complainant requests the Panel to treat the disputed domain names in a single proceeding. As a matter of fact, it would be quite cumbersome and inequitable for the Complainant to start two separate proceedings in this matter, while the consolidation would be fair and equitable to all parties, in view of the aforesaid common ownership or control. Consolidation would permit to deal in a single proceeding multiple domain name disputes arising from a common nucleus of facts and involving common legal issues. Doing so promotes the shared interests of the parties in avoiding unnecessary duplication of time, effort and expenses, and generally fulfills the fundamental goals of the Policy.

II. The Complainant

The Complainant is the German fashion designer Philipp Plein, founder of the eponymous brand. Currently, Philipp Plein is universally recognized as a leading brand in the luxury fashion industry (for more information on the Complainant's activities, please visit www.world.philipp-plein.com).

The Complainant participates to the most important fashion shows around the world (Milan, Paris, New York, among others) and its advertising campaigns are universally renowned to be unique and very impacting.

The market has applauded the Complainant's fashion collections, and the world of PHILIPP PLEIN is enjoying a phenomenal success today with showrooms all over the world: more than 36 mono-brand stores, over 500 retail clients worldwide. Philipp Plein runs at a double digit rate of expansion, and currently has a turnover of over one hundred million Euro.

According to Franca Sozzani, historic editor in Chief of Vogue Italia, "Philipp Plein is unique because he has a joy of life. He doesn't want to be a fashionista, he makes fashion because he loves women. This is a specific, special attitude because he is one of the few".

Philipp Plein has concluded several sponsorship agreements, with among others, AS Roma (one of the most important Italian soccer teams), Mauro Icardi, (Inter's Milan striker) and Nico Hulkenberg, the Formula one racer.

Due to its longstanding use, and the huge promotional and advertising investments, the PHILIPP PLEIN trademark is certainly well-known. The Complainant is very active in the defense of its IP Rights, against domain names abusive registrations. Among the several UDRP Decisions, the Complainant cites the following Case No. D2017-1413 which recognized that the trademark "Philipp Plein" is well-known ("The disputed domain name is confusingly similar to the Complainant's trademark and the website at the disputed domain name displays the Complainant's well-known trademarks and offers the Complainant's and competing products for sale").

The Complainant is also active on several social networks, such as Facebook, Twitter and Instagram.

III. The Respondents

The disputed domain names were registered on March 4, 2017 and November 21, 2017. Both domain names link to the same website, which offers for sale alleged Philipp Plein items and display the Philipp Plein trademark in a prominent position. The disputed domain names' contact details were originally shielded by a privacy protection service. Following the filing of the UDRP Complaint, the relevant contact details have been disclosed as follows:

(i) philippppleineoutlet.com

Registrant Name: wei zhang
Registrant Organization:
Registrant Street: wangu fengtin NO.75

Registrant City: HUA
Registrant State/Province: henan
Registrant Postal Code: 456473
Registrant Country: CN
Registrant Phone: +86.15294655010
Registrant Email: YvetteLevasseur990@outlook.com

(ii) philippplein.site

Registrant Name: John Smith
Registrant Organization: TY
Registrant Street: tree as tree street. 48
Registrant City: Slough
Registrant State/Province: Florida
Registrant Postal Code: 33542
Registrant Country: US
Registrant Phone: +1.15825633666
Registrant Fax: +1.15825633666
Registrant Email: lyfhzfrom2012@gmail.com

IV. The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights

Among the various Philipp Plein formative trademarks, the Complainant is the owner of the following:

(i) PP (device), US Registration No. 4181456, filed on October 5, 2011 and registered on July 31, 2012, for goods in classes 3, 14, 18, 20, 21, 24, 25 and 28.

(ii) Philipp Plein, US Registration No. 4918695, filed on March 3, 2014 and registered on March 15, 2016, for goods in classes 3, 14, 21, 24 and 28.

(iii) Philipp Plein, EU Registration No. 002966505, filed on December 6, 2002 and registered on January 21, 2005, for goods in classes 3, 14, 18, 20, 21, 24, 25 and 28.

(iv) PP Philipp Plein (device), EU Registration No. 012259503, filed on October 28, 2013 and registered on March 24, 2014, for goods in classes 3, 14, 18, 20, 21, 24, 25, 28.

The mere fact that a domain name wholly incorporates a Complainant's registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy (see Six Continent Hotels, Inc. v. The Omnicorp, WIPO Case No. D2005-1249 and Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903). In the present case, the disputed domain names contain entirely the Complainant's trademark, and, in light of the Panelist Consensus view, this fact is sufficient to conclude that the first requirement under the Policy is met.

Furthermore, the addition of generic and descriptive words, such as "outlet", rather than excluding a similarity with the earlier well-known Philipp Plein trademark, increases the likelihood of confusion, since this word could be easily linked to the Complainant's business. It is clear that the combination between the well-known Philipp Plein mark and outlet, gives the idea that the disputed domain name <philipppleineoutlet.com> is an on-line point of sale of discounted Philipp Plein's items.

Finally, the addition of a gTLD such as ".com" or ".site" in a domain name is technically required. Thus, it is well established that such element may be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark (see Proactiva Medio Ambiente, S.A. v. Proactiva, WIPO Case No. D2012-0182).

Therefore, the disputed domain names are confusingly similar to the earlier Philipp Plein well-known trademarks, and the first requirement under paragraph 4 (a)(i) of the Policy and of paragraph 3(b), (viii), (b)(ix)(1) of the Rules is satisfied.

V. The Respondent has no rights or legitimate interests in respect of the domain name.

According to paragraph 4(a) of the Policy, the burden of proving the absence of the Respondent's rights or legitimate interests in respect of the Domain Name lies with the Complainant. It is nevertheless a well-settled principle that satisfying this burden is unduly onerous, since proving a negative fact is logically less feasible than establishing a positive. Accordingly, it is sufficient for Complainant to produce a prima facie evidence in order to shift the burden of production to Respondent. See, e.g., Document Technologies, Inc. v. International Electronic Communications Inc., WIPO Case No. D2000-0270; Belupo d.d. v. WACHEM d.o.o., WIPO Case No. D2004-0110; Audi AG v. Dr. Alireza Fahimipour, WIPO Case No. DIR2006-0003.

In the present case, the Complainant denies that Wei Zhang and John Smith, are authorized dealers, agents, distributors, wholesalers or retailers of Philipp Plein. In fact, the Complainant has never authorized the above mentioned subjects to include its well-known trademark in the disputed domain names, nor to make any other use of its trademark in any manner whatsoever. Complainant also confirms that it is not in possession of, nor aware of the existence of, any evidence tending to demonstrate that these subjects are commonly known by the domain names, as individual, business, or other organization.

Moreover, to the best knowledge of the Complainant, neither Wei Zhang nor John Smith, own Philipp Plein formative trademarks, which would grant rights on the disputed domain names.

In light of these considerations, the Complainant excludes that the Respondent is commonly known by the disputed domain name under paragraph 4(c)(ii) of the Policy.

Currently, the disputed domain names link to identical websites which offers for sale alleged Philipp Plein goods using the original names of the relevant garments, and featuring, without any authorization, the Complainant's figurative trademark / verbal trademarks, in a prominent position. Furthermore, it is significant to note, that the Respondent is using, without authorization, images of Philipp Plein's original advertising campaigns, and this amounts to a copyright violation of the Complainant.

It is clear that the Respondent is using the disputed domain names to promote his websites as official online point of sales of the Complainant, offering for sale discounted "alleged" Philipp Plein goods, and this use certainly does not amount to a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue" as provided for by paragraph 4(c)(iii) of the Policy, neither to "a bona fide offering of goods or services" as provided for by paragraph 4(c)(i) (see, among others, Farouk Systems, Inc. v. QYM, WIPO Case No. D2009-1572 (consolidated with other 10 precedents); Mattel, Inc. v. Magic 8 ball factory, WIPO Case No. D2013-0058; Cartier International, N.V. , Cartier International, B.V. v. David Lee, Caso WIPO Case No. D2009-1758, etc.).

For all reasons mentioned above the Complainant deems to have sufficiently proved that the Respondent lacks rights and legitimate interests in respect of all the Domain Name.

VI. The domain names were registered and are being used in bad faith.

In accordance with paragraph 4(a)(iii) of the Policy in order to succeed in a UDRP Proceeding, the Complainant must prove, as a third and last requirement, that the Respondent registered and used the disputed domain names in bad faith.

As far as registration in bad faith is concerned, the disputed registered domain names contain a well-known third party's trademark with no authorization, as well as the name of the famous German stylist, Mr. PHILIPP PLEIN. The Respondent could not ignore the existence of the Philipp Plein trademark at the time of the registration of the disputed domain names, not only because Philipp Plein is a very well-known trademark, but in consideration of the nature of the domain names (the

first one composed by the Complainant's trademark plus the addition of the generic term "outlet" and the second one entirely composed by the Complainant’s trademark) and of the website’ contents, which reproduce the Complainant’s trademark, and the names of the official Philipp Plein's garments.

Furthermore, the disputed domain names have been registered long after the filing/registration of the Complainant’ relevant trademarks.

As far as use in bad faith is concerned, we note that the disputed domain names link to a website offering for sale alleged “Philipp Plein” goods, and unduly depicting copyrighted pictures taken from the Complainant’s official website. The websites also feature the Complainant’s figurative and verbal trademarks, used in connection with the goods offered for sale.

This kind of use is certainly not a use in good faith. It may cause substantial damages not only to the Complainant, but also to consumers. On the one side, the Complainant’s image and reputation are strongly affected by the websites, very similar to the official one, offering for sale goods likely counterfeit. On the other side, consumers share confidential information when they pay the purchased goods, with the concrete risk that this information is stolen and used fraudulently by the Respondent.

It appears from the above that the disputed domain names have been registered and are used to intentionally attract for commercial gain Internet users to the Respondent’s website, by creating a likelihood of confusion with the Complainant’s official website, also creating the impression that the Respondent’s websites are sponsored/affiliated or endorsed by the Complainant.

In view of the above, the Complainant deems to have sufficiently proved that the disputed domain names were registered and have been used in bad faith, according to the third and last requirement of the Policy.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant makes the following contentions:

(i) that the Domain Name is identical or confusingly similar to the Complainant’s Philippe Plein Trademarks;
(ii) that the Respondent has no rights nor any legitimate interests in respect of the Domain Name; and
(iii) that the Domain Name has been registered and is being used in bad faith.

The Complainant argues that the Domain Name reproduces the Philipp Plein sign which matches the Complainant’s Trademarks, thus the Complainant indicates that the two Domain Names are identical or confusingly similar to the Complainant’s Philipp Plein Trademarks. As the first disputed domain name wholly incorporates the Complainant’s Trademark, the Complainant argues that it is sufficient to establish identity or confusing similarity for purposes of the Policy (see Six Continent Hotels, Inc. v. The Omnicorp, WIPO Case No. D2005-1249 and Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903). Furthermore, as the second disputed domain name is composed of the whole Complainant’s Trademark with the addition of the descriptive term “outlet”, which directly refers to the Complainant’s activity, the Complainant argues that it is not likely to avoid a likelihood of confusion between the Domain Name and the Complainant’s prior trademarks rights. Finally, the Complainant argues that the addition of a gTLD such as ".com" in a Domain Name may be disregarded when assessing whether a Domain Name is identical or confusingly similar to a trademark (see Proactiva Medio Ambiente, S.A. v. Proactiva, WIPO Case No. D2012-0182).

The Complainant further argues that there are no rights or legitimate interests held by the Respondent in respect of the disputed domain names. The Respondent is not commonly known by the Domain Name, nor does it have a business or legal relationship with the Complainant, nor does the Respondent have any authorization from the Complainant to register the Domain Name or a domain name corresponding to the Philipp Plein Trademarks. This constitutes prima facie evidence of no rights or legitimate interests according to prior cases (Document Technologies, Inc. v. International Electronic

Communications Inc., WIPO Case No. D2000-0270; Belupo d.d. v. WACHEM d.o.o., WIPO Case No. D2004-0110; Audi AG v. Dr. Alireza Fahimipour, WIPO Case No. DIR2006-0003). Furthermore, the Complainant argues that the Respondent is using the disputed domain names to promote his websites as official online point of sales of the Complainant, offering for sale discounted "alleged" Philipp Plein goods, and this use certainly does not amount to a legitimate non-commercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue" as provided for by paragraph 4(c)(iii) of the Policy, neither to "a bona fide offering of goods or services" as provided for by paragraph 4(c)(i) (see, among others, Farouk Systems, Inc. v. QYM, WIPO Case No. D2009-1572 (consolidated with other 10 precedents); Mattel, Inc. v. Magic 8 ball factory, WIPO Case No. D2013-0058; Cartier International, N.V. , Cartier International, B.V. v. David Lee, Caso WIPO Case No. D2009-1758, etc.).

The Complainant further argues that the disputed domain names were registered and are being used in bad faith. It argues that the disputed domain names were registered with the aim of taking advantage of the reputation of the Complainant's Philipp Plein trademarks as the Philipp Plein Trademarks are well-known around the world. Therefore, the Complainant further argues that the Respondent could not ignore the existence of the Philipp Plein Trademark since it reproduces the Complainant's Trademark in its entirety and the website, to which the disputed domain names redirect, is proposing alleged Complainant's Trademark products for sale, together with the reproduction of the Complainant's Trademark, used in connection with the goods offered for sale.

The Complainant argues that this kind of use is certainly not a use in good faith. It may cause substantial damages not only to the Complainant, but also to consumers, who share confidential information when they pay the purchased goods, with the concrete risk that this information is stolen and used fraudulently by the Respondent. The Complainant argues that the Domain Names have been registered and are used to intentionally attract for commercial gain Internet users to the Respondent's web site, by creating a likelihood of confusion with the Complainant's official website, also creating the impression that the Respondent's websites are sponsored/affiliated or endorsed by the Complainant.

For all the above reasons, the Complainant requests the transfer of the disputed domain names.

RESPONDENT:

No administratively compliant Response has been filed, and the Respondent is, therefore, in default.

RIGHTS

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant has submitted evidence of its registered trademark rights in Philipp Plein.

The Domain Names consist first of the Complainant's Philipp Plein Trademarks, together with the descriptive term "outlet", which refers to Complainant's business activities, and then of the Complainant's Trademarks reproduced in its entirety. This is sufficient to find confusing similarity in the sense of the Policy. See, Valero Energy Corporation and Valero Marketing and Supply Company v. Valero Energy, WIPO Case No. D2017 0075; M/s Daiwik Hotels Pvt. Ltd v. Senthil Kumaran S, Daiwik Resorts, WIPO Case No. D2015 1384; and ERGO Versicherungsgruppe AG v. Idealist, WIPO Case No. D2008-0377 (the combination of the trademark ERGO in the second level of a domain name together with the term "finance" made the disputed domain name confusingly similar to the trademark in question).

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights to or legitimate interests in the disputed

domain names by demonstrating any of the following:

(i) before any notice to it of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trade mark or service mark at issue.

Although the Policy addresses ways in which a respondent may demonstrate rights or legitimate interests in a disputed domain name, it is well established that, as it is put in section 2.1 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") that a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent comes forward with relevant evidence of rights or legitimate interests, the panel weighs all the evidence, with the burden of proof always remaining on the complainant.

The Respondent is not affiliated or connected to the Complainant in any way nor has it been authorized or licensed by the Complainant to register and use the disputed domain names which incorporates the trademarks. It does not appear to have any independent right to the disputed domain names. There is no evidence that the Respondent is commonly known by the disputed domain names.

The Panel finds that the Complainant has made out a prima facie case, a case calling for an answer from the Respondent. The Respondent has not filed a response and is therefore in default, thus, the Panel is unable to conceive of any basis upon which the Respondent could sensibly be said to have any rights or legitimate interests in respect of the disputed domain names.

The disputed domain names resolve to website that reproduces the Complainant's trademarks, with an untruthful or misleading statement and offers to sell alleged Complainant's goods, all of which does not correspond to a bona fide offering of goods or services nor, in the circumstances of this case, to a legitimate non-commercial or fair use of the disputed domain names.

The Panel also holds that in the present case, the Respondent cannot rely on the so-called "Oki Data" test, given that the disputed domain names are being used to point to a website that displays information in relation with the Complainant, in which it reproduces the Complainant's trademark and for which it has not been given any authorization by the Complainant. This together with the untruthful or misleading statement creates a deceiving impression of association between the Domain Name, the Complainant, and its Trademarks. Additionally, Respondent cannot be said to be making a legitimate non-commercial or fair use of the disputed domain names within the meaning of paragraph 4(c)(iii) of the Policy either.

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

Pursuant to the Policy [paragraph 4(a)(iii)], the Complainant must show that the Respondent registered and is using the disputed domain names in bad faith.

The Panel finds that the Respondent must have been aware of the Complainant and its reputation in the Philipp Plein Trademarks at the time the Respondent registered the disputed domain names. The Complainant has submitted evidence, which shows that the Respondent registered the disputed domain names long after the Complainant registered its

trademark. According to the evidence filed by the Complainant, the Complainant has owned a registration for the Philipp Plein trademark since at least the year 2002. It is suggestive of the Respondent's bad faith in these particular circumstances that the Philipp Plein Trademarks, owned by the Complainant, were registered long before the registration of the disputed domain names (Sanofi-Aventis v. Abigail Wallace, WIPO Case No. D2009-0735). WIPO Overview 3.0, section 3.2.2 states as follows:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the Domain Names is also a significant factor to consider (as stated in section 3.1.1 of WIPO Overview 3.0). The disputed domain names fall into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain names are confusingly similar to the Complainant's trademark. Previous UDRP panels have found that "[a] likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's site" (Edmunds.com, Inc. v. Triple E Holdings Limited, WIPO Case No. D2006 1095).

Accordingly, the Panel finds that the Respondent has registered and is using the disputed domain names in bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP Policy were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

• The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The fact that a domain name wholly incorporates a Complainant's registered mark can be sufficient to establish identity or confusing similarities. Furthermore, the addition of generic and descriptive words, such as "outlet', increases the likehood of confusion, since this word could be easily linked to the Complainant's business.

• The Respondent has no rights or legitimate interest in respect of the disputed domain names. First of all, the Respondent is nor authorized dealer, agent, distributor, wholesaler or retailer of Philipp Plein, neither owns Philipp Plein formative trademarks. Moreover, the Respondent is using, without authorization, images of Philipp Plein's original advertising campaigns. Finally, the Respondent is using the disputed domain names to promote his websites as official online point of sales of the Complainant, offering for sale discounted "alleged" Philipp Plein goods.

• The disputed domain names were registered and are being used in bad faith. The Respondent could not ignore the existence of the Philipp Plein trademark at the time of the registration of the disputed domain names, not only because Philipp Plein is a very well-known trademark, but in consideration of the nature of the domain names (the first one composed by the Complainant's trademark plus the addition of the generic term "outlet" and the second one is entirely composed by the Complainant's trademark) and of the website's contents, which reproduce the Complainant's trademark, and the names of the official Philipp Plein's garments.

For all the reasons stated above, the Complaint is accepted and the disputed domain names are to be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **PHILIPPPLEIN.SITE** : Transferred
2. **PHILIPPPLEINEOUTLET.COM**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2018-02-12

Publish the Decision