

Decision for dispute CAC-UDRP-104561

Case number CAC-UDRP-104561

Time of filing 2022-05-09 09:11:47

Domain names isabelmarants.shop

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization IM PRODUCTION

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Guilan Wei

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant owns a portfolio of trade marks comprising or incorporating the text "ISABEL MARANT" in several countries. They include:

- European trade mark n°001035534 for ISABEL MARANT as a word mark filed on 23 December 1998; and
 - International trade mark n° 1284453, for ISABEL MARANT as a standard character mark dated 16 November 2015 in classes 4, 8, 11, 16, 20, 27 and 28, which has proceeded to registration in 14 territories.
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FACTUAL BACKGROUND

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

The Complainant is a French company specialising in the manufacture and marketing of ready-to-wear, shoes, handbags and jewellery. The Complainant markets these products under the brand "ISABEL MARANT", and now has stores around the world.

The Complainant owns multiple domain names consisting in the wording "ISABEL MARANT", such as <isabelmarant.com> registered since 20 April 2002.

The disputed domain name <isabelmarants.shop> (the "Domain Name") was registered on 30 April 2022 and redirects to a website purporting to be an online store selling the Complainant's ISABEL MARANT products at discounted prices.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trade mark 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

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

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is 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 were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel accepts that the Complainant owns registered trade mark rights in ISABEL MARANT. The only sensible reading of the Domain Name is as "Isabel Marant" combined with the letter "s", and with the "shop" new gTLD. The Complainant has thereby clearly demonstrated that the Domain Names is confusingly similar to a trade mark in which the Complainant has rights. The Complainant has thereby made out the requirements of paragraph 4(a)(i) of the Policy.

The Panel also accepts that the Domain Name, deliberately and inherently impersonates the Complainant and its trade marks. It is not clear to the Panel whether the Domain Name was intended by the Respondent to be (as the Complainant alleges) a typosquatting variant of the Complainant's mark, or is intended to represent the English possessive form of that mark (as in "Isabel Marant's"), in each case combined with the neutral "shop" gTLD. But either way the Domain Name inherently and falsely impersonates the Complainant. That alone is sufficient to justify a finding of lack of rights or legitimate interests and bad faith registration and use.

Further and in any event, this deliberate and false impersonation of the Complainant is also to be found in the website that has since registration operated from the Domain Name. This sells clothing that purports to be the Complainant's products, but does not properly identify who is actually operating that website, and is likely to be understood by internet users as either a website operated by the Complainant or with the Complainant's authorisation (see, for example, IM Production v. Wen Dong Wang, WIPO Case No. D2017-0062).

The Complainant has thereby made out the requirements of paragraph 4(a)(ii) and (iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. ISABELMARANTS.SHOP: Transferred

PANELLISTS

Name	Matthew Harris
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DATE OF PANEL DECISION 2022-05-31

Publish the Decision
