# Decision for dispute CAC-UDRP-107445

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| Case number | CAC-UDRP-107445 |
| Time of filing | 2025-03-28 10:15:15 |
| Domain names | eu-sezaneshop.com |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | BENDA BILI |

## Complainant representative

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| Organization | NAMESHIELD S.A.S. |

## Respondent

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| Name | (huang hao) |

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 is the owner of, inter alia, International trade mark registration No. 1170876 for “SEZANE”, registered on June 3, 2013.

The Complainant is the owner of various domain names, including its primary domain name, <sezane.com>, registered on April 3, 2003.

The Respondent registered the disputed domain name on March 13, 2025. At the time of filing the Complaint, the disputed domain name resolved to an online store for clothes and accessories at discounted prices under the SEZANE brand.

FACTUAL BACKGROUND

The Complainant, Benda Bili, is a company specialized in ready-to-wear collections and accessories for women and trading under its commercial name and trade mark SEZANE. The name “Sezane” is a contraction of the first name and last name of the Complainant’s founder and President, Morgane Sézalory. The Complainant’s goods are available only through its online shop.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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

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 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 disputed 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

**Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Rules"), paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English since the disputed domain name resolves to a webpage consisting of words in the French language, the language of the Complainant. The Complainant is French and in order to proceed in Chinese, the Complainant would have to retain specialized translation services at a cost very likely to be higher than the overall cost of these proceedings. The use of Chinese in this case would therefore impose a burden on the Complainant which must be deemed significant in view of the low cost of these proceedings.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered the circumstances of this case including the composition of the disputed domain name which contains the English abbreviation ("eu") for the "European Union" and words in Latin characters, as well as the silence of the Respondent in this proceeding, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. There does not appear to be any reason which warrants a delay and additional expense in ordering the Complainant to translate the Complaint.

**Other procedural matters**

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trade mark

or service mark in which the complainant has rights.

A registered trade mark provides a clear indication that the rights in the mark shown on the trade mark certificate belong to its respective owner. The Complainant has provided evidence that it owns registered trademark rights in SEZANE.

In this case, the disputed domain name comprises the entirety of the Complainant's SEZANE trade mark with the addition of the prefix "eu-" and the suffix "shop". It is well-established that where the relevant trade mark 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. (See WIPO Overview 3.0, section 1.8.)

The Panel finds that the SEZANE trade mark is recognizable in the disputed domain name and that the descriptive terms "eu" and "shop" are insufficient to prevent a finding of confusing similarity with the Complainant's trade mark.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it owns registered trademark rights in SEZANE mark long before the date that the disputed domain name was registered. Further, there is no evidence that the Respondent was licensed or otherwise authorized by the Complainant to use the Complainant's SEZANE trade mark or that the Respondent is commonly known by the disputed domain name.

It is noted that the disputed domain name resolved to a webpage advertising and offering for sale goods sold under the SEZANE trade mark, with some goods offered at a steep discount. The Complainant states that the Respondent is impersonating the Complainant and it does appear to be the case.

The Respondent did not submit a Response in the present case and did not provide any explanation or evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant provided evidence that the disputed domain name resolves to a webpage advertising and offering for sale goods sold under the SEZANE trade mark, which compete with the Complainant's products.

Given the evidence presented to the Panel, the Panel is persuaded that the Respondent was well aware of the Complainant and its SEZANE trade mark at the time of registering the disputed domain name and specifically targeted the Complainant and its trade mark.

Moreover, the Respondent failed to submit a response and did not provide any explanation for registering the disputed domain name nor evidence of good-faith use.

The Panel finds that the circumstances of this call fall within those described in paragraph 4(b)(iv) of the Policy, namely that:

"by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on- line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location".

Accordingly, having regard to the circumstances of this particular case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(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. **eu-sezaneshop.com**: Transferred

## PANELLISTS

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| Name | **Francine Tan** |

DATE OF PANEL DECISION 2025-04-28

Publish the Decision