Decision for dispute CAC-UDRP-107443

Case number	CAC-UDRP-107443
Time of filing	2025-03-27 11:48:16
Domain names	sezane-ecommerce.com, sezane-fashion.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BENDA BILI

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	SEZANE FASHION

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 names.

IDENTIFICATION OF RIGHTS

The Complainant owns several trademarks SEZANE, such as the international trademark SEZANE No. 1170876 registered on June 3, 2013.

The Complainant also owns multiple domain names containing the wording “SEZANE”, such as the domain name <SezaNe.com> registered on April 3, 2003.

Both disputed domain names were registered on February 27, 2025.

FACTUAL BACKGROUND

Registrar verification revealed that the Respondent has completed the Registrant information with "Sezane Fashion" in all categories (First Name, Last Name, Organization, Street Address, Address 2, City, and State/Province, Zip/Postal Code. The Respondent added the numbers "12345" to the last category.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

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

The Complainant is a company specializing in fashion- and lifestyle-related products, primarily for women, with a small selection for men. The Complainant's goods are exclusively available through its online shop.

The disputed domain name <sezane-ecommerce.com> redirects to a template website lacking any substantive content. The disputed domain name <sezane-fashion.com> is not used.

The Complainant states that the disputed domain names are confusingly similar to its trademark "SEZANE" and its associated domain names.

The Complainant asserts that the disputed domain names include the Complainant's trademark in its entirety. The addition of the generic terms "ecommerce" and "fashion" is not sufficient to avoid the likelihood of confusion with the Complainant's trademark, as they directly relate to the Complainant's business activities. The addition of the gTLD ".COM" is not sufficient to escape this finding, as it is a standard registration requirement.

The Complainant also states that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Complainant asserts that the Respondent is not known as the disputed domain names and neither affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark SEZANE or apply for registration of the disputed domain names by the Complainant.

Furthermore, the disputed domain name <sezane-fashion.com> is not used, which does not constitute a bona fide offering of goods and services or legitimate noncommercial or fair use.

The Complainant states that the disputed domain names were registered and are being used in bad faith.

The Complainant asserts that the disputed domain names contain the distinctive trademark SEZANE, which has been in use for many years and carries no generic or descriptive meaning. The Complainant asserts that the Respondent was aware of its trademark and deliberately sought to create a likelihood of confusion by impersonating the Complainant. Based on the distinctiveness and reputation of the Complainant's trademark, the Complainant argues that it is reasonable to conclude that the Respondent registered and used the domain names with full knowledge of the Complainant's trademark.

The Complainant further states that because the disputed domain name <sezane-fashion.com> is not being used and incorporates the generic term "fashion" – which refers to the Complainant's business – the Respondent clearly registered the domain name in order to create a likelihood of confusion.

The Complainant also asserts that the disputed domain name, <sezane-ecommerce.com>, has lacked substantive content since its registration, which is considered evidence of bad faith.

No administratively compliant Response has been filed.

RIGHTS

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

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

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 were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent. Taking the statements and documents submitted by the Complainant under careful consideration, the Panel concludes that the Complainant has established all the elements entitling it to claim the transfer of the disputed domain names.

I. Identical or Confusingly Similar disputed domain names

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names to be 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.

The disputed domain names incorporate the Complainant’s trademark SEZANE in its entirety, which indicates confusing similarity for the purposes of UDRP standing.

The addition of the terms “ecommerce” or “fashion” is not sufficient to escape this finding. The addition of descriptive, geographical, pejorative, meaningless, or other terms does not prevent a finding of confusing similarity under the first element. On the contrary, the addition of the descriptive term “fashion” is more likely to increase confusion, as the Complainant offers fashion-related products. Also the addition of the generic term “ecommerce” does not prevent a finding that the contested domain name is confusingly similar to the Complainant's trademark.

The applicable Top-Level Domains (TLD) “.com” in the disputed domain names are viewed as a standard registration requirement and as such are disregarded.

II. Respondent’s Rights or Legitimate Interests in the disputed domain names

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

While the overall burden of proof in UDRP proceedings lies with the Complainant, Panels have recognized that proving a Respondent's lack of rights or legitimate interests in a domain name can result in the often impossible task of “proving a negative”. Accordingly, where the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests, the burden of proof shifts to the Respondent to provide evidence demonstrating such rights or legitimate interests.

The Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names, as the Respondent is neither a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Additionally, the Panel holds that the disputed domain names do not correspond to the Respondent's name, nor that the Respondent is commonly known as “SEZANE” either before or after the registration of the disputed domain name. Although the Respondent registered the disputed domain names as organisation "Sezane Fashion", first name "Sezane Fashion", and last name "Sezane Fashion", it seems obvious that this is not the Respondent's real name, but a fake name. It is not believable that the Respondent's real personal name is "Sezane Fashion".

According to para. 4 (c)(i) of the Policy, the Respondent demonstrates rights or legitimate interests in a domain name, if the Respondent uses it or has made demonstrable preparations to use it in connection with a bona fide offering of goods or services. Although the disputed domain name <sezane-ecommerce.com> resolves to what appears to be a commercial website, the Complainant has also established a prima facie case that the Respondent has neither used the disputed domain name nor demonstrated any intention to use it for a bona fide offering of goods or services, as such website is merely a template website from a third-party provider, which does not provide information on the Respondent orits business related to the disputed domain name. Other Panels have found in similar cases that the use of inactive template pages suggest that the Respondent did not use or prepare to use the domain name in relation to a bona fide offering of goods or services (WIPO Case No. D2022-4609 – Sanofi v. Alexandre Miller; WIPO Case No. D2022-4403 – Open Society Institute v. NGUYEN NGOC TU; WIPO Case No. D2019-1602 – Accenture Global Services Limited v. Oneandone Private Registration, 1&1 Internet Inc / Gulam Sayeed Pasha).

The disputed domain name <sezane-fashion.com> is not used at all.

Thus, there is no evidence that the disputed domain names are being used for any bona fide reasons.

III. The disputed domain names have been registered and are being used in bad faith.

The Respondent has also registered and is using the disputed domain names in bad faith within the meaning of Paragraph 4 (a)(iii) of the Policy by intentionally attempting to attract internet users to their website by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

The fact that the disputed domain name <sezane-ecommerce.com> resolves to a template website from a third-party provider, where no goods or services can actually be purchased, indicates that the disputed domain name has effectively not been used, just like the disputed domain name <sezane-fashion.com>.

The Respondent's passive holding of the disputed domain names by itself does not necessarily prove finally as to whether the disputed domain name has been registered and is being used in good or bad faith (para. 7.8 WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows). However, under certain circumstances, inactivity can lead to an unnamed case of bad faith under Art. 4 (b) of the Policy (note the wording: “including but without limitation”). This consideration requires close attention to all circumstances of the individual case (para. 7.11 WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows).

In this case, the facts presented by the Complainant do, when considered as a whole, provide sufficient indication of having registered and using the disputed domain names in bad faith:

- The Complainant’s distinctive trademark SEZANE was already registered and well-known at the time the Respondent registered the disputed domain names. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith (para. 3.1.4 WIPO Jurisprudential Overview 3.0).
- Since the wording "Sezane" has no inherent meaning, it also is not apparent why the Respondent would use it in the disputed domain names other than to create an impression of an association with the Complainant (cf. WIPO Case No. D2000-0003 – Telstra Corporation Limited v. Nuclear Marshmallows).
- The disputed domain name <sezane-fashion.com> incorporates the descriptive term “fashion”, which directly refers to the Complainant’s business activities.
- Regarding the disputed domain name <sezane-ecommerce.com>, the Respondent has taken active steps to conceal the passive holding of the domain name by setting up a template page designed to appear as an active online store.
- The Respondent concealed its real name and address by using the words "Sezane Fashion", only.
- The Respondent failed to submit a response or to provide any evidence of actual or contemplated good-faith use.

The Respondent has not provided any evidence of actual or contemplated good faith registration or use of the disputed domain names that could refute this prima facie assessment.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sezane-ecommerce.com**: Transferred
2. **sezane-fashion.com**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2025-05-02

Publish the Decision