Decision for dispute CAC-UDRP-107610

Case number	CAC-UDRP-107610
Time of filing	2025-05-26 10:42:13
Domain names	sezane-eur.com

Case administrator

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

Complainant

Organization	BENDA BILI

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	shi yin zhang shi yin zhang

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 trademark registration No. 1170876 for “SEZANE”, registered on June 3, 2013. The International registration designates various territories including the European Union, the U.S., Australia, New Zealand, Singapore and China.

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

FACTUAL BACKGROUND

The Complainant is a company specialized in ready-to-wear collections and accessories for women. It trades 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.

The Respondent registered the disputed domain name on May 17, 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.

PARTIES CONTENTIONS

ATTENTION! No administratively compliant Response has been filed.
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

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules for 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 (i) the disputed domain name consists of the Complainant's SEZANE trade mark, and the English geographical term "EUR"; and (ii) the disputed domain name resolves to a webpage consisting of words in the French language, as opposed to Chinese.

The Panel notes from the evidence submitted that the Respondent's website also contained English words such as "boots", "ballerinas" "mocassins", "shirt", "cardigan" and "bracelet".

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 language/script of the domain name particularly where the same as that of the complainant's mark, potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, and other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement (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 "EUR", and the language of the contents of the Respondent's website, 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 reasons which warrant a delay and additional expense in ordering the Complainant to translate the Complaint. The Respondent could have objected and provided reasons in support of why the conduct of this proceeding in English would be unfair to him. Since he chose not to respond, the Panel finds no merit in requiring the Complainant to translate the Complaint into Chinese

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 suffix "-eur". The suffix is a common contraction for the term "Europe" or "Euro". 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 term "-eur" is insufficient to prevent a finding of confusing similarity with the Complainant's trade mark. In fact, since the Complainant is a European company, the addition of the term "-eur" adds to the confusion 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.

The Respondent appears to be impersonating the Complainant and using the disputed domain name to disrupt the Complainant's business.

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. **sezane-eur.com**: Transferred

PANELLISTS

Name	**Francine Tan**

DATE OF PANEL DECISION 2025-06-27

Publish the Decision