Decision for dispute CAC-UDRP-107759

Case number	CAC-UDRP-107759
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Domain names	frette.bond

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Edmund Frette S.à r.l.

Complainant representative

Organization	Barzanò & Zanardo Milano S.p.A.

Respondent

Name	wu fan

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 numerous FRETTE trademarks registered in various jurisdictions worldwide, including the following:

- International Registration No. 770138, dated March 7, 2001 (renewed), in Classes 3, 4, 8, 18, 21, 24, 25, 27, 35, and 42;
- International Registration No. 415485, registered on April 30, 1975 (renewed), in Classes 24 and 25;
- Italian Registration No. 362022000145059, registered on July 1, 2013, in Classes 3, 4, 5, 6, 8, 9, 11, 14, 16, 18, 20, 21, 22, 24, 25, 26, 27, 28, 34, and 35.

FACTUAL BACKGROUND

The Complainant is a globally renowned luxury linens and home furnishings brand, established in 1860 and long associated with European royalty, leading hotels, and major travel enterprises such as the Orient Express. From its origins in Grenoble and subsequent establishment in Italy, FRETTE quickly expanded its reputation through innovation, including award-winning fabrics, early mail-order services, and one of the first ready-to-wear home garment collections.

Over the decades, the Complainant became the supplier of choice for the world's most prestigious hotels, including the Ritz in Paris, the Savoy in London, the Plaza in New York, and the Peninsula in Hong Kong. Today, the Complainant maintains partnerships with

over 1,500 luxury properties worldwide.

The company, now controlled by Raza Heritage Holdings in Hong Kong, where the Respondent is based, achieved revenues of 100 million euros in 2021 and targets 279 million euros with a doubled store network by 2029. Its global presence includes 42 flagship stores in 33 countries, supported by a strong digital platform where e-commerce generates approximately 15% of sales.

The Complainant is also widely promoted through social media, with tens of thousands of followers across Instagram, Facebook, and Twitter, consistently under the name “FRETTE.”

The disputed domain name was registered on April 26, 2025. The disputed domain name resolves to a login page displaying an image incorporating the Complainant trademark, which is currently deactivated.

PARTIES CONTENTIONS

COMPLAINANT:(i) The Complainant holds rights in the FRETTE trademarks, as set forth in the “Identification of Rights” section above. The disputed domain name is confusingly similar to the Complainant’s FRETTE trademark, as it incorporates the FRETTE mark in its entirety, followed only by the “.bond” gTLD.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither licensed nor otherwise authorized to use the Complainant’s FRETTE trademark, nor is the Respondent commonly known by the disputed domain name. Moreover, the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Rather, the disputed domain name resolves to a login page displaying an image incorporating the Complainant’s trademark, which is currently deactivated.

(iii) The disputed domain name was registered and is being used in bad faith. It incorporates the Complainant’s FRETTE trademark in its entirety without consent or authorization and was registered long after the Complainant’s well-known FRETTE mark. The FRETTE brand was acquired by the Hong Kong company Raza Heritage Holdings on September 7, 2023, making it implausible that the Respondent was unaware of the Complainant’s rights. The panelist in WIPO Case No. D2025-1262 has already found that the Respondent registered a domain name consisting of a third-party trademark in bad faith, and the misappropriation of a well-known mark as a domain name constitutes bad faith registration under the Policy. Although not currently active, the disputed domain name has been redirected to a login page displaying the Complainant’s trademark, evidencing awareness of the FRETTE brand and intent to impersonate it. While privacy and proxy services may have legitimate uses, their application in these circumstances further supports a finding of bad faith.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

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

The Panel notes that the Registration Agreement is written in Chinese, thereby making Chinese the language of the proceedings. The Complainant has requested that the proceeding be conducted in English. The Panel has discretion under UDRP Rule 11(a) to

determine the appropriate language of the proceedings, taking into account the particular circumstances of the administrative proceeding. See Section 4.5, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, see also Lovehoney Group Limited v yan zhang, CAC 103917 (CAC August 17, 2021) (finding it appropriate to conduct the proceeding in English under Rule 11, despite Japanese being designated as the required language in the registration agreement).

The Complainant contends as follows:

- Neither the Complainant, nor its representatives, understand Chinese, and it would therefore be burdensome and costly for the Complainant to translate the Complaint and all annexes. Moreover, requiring such a translation would unnecessarily delay the procedure, whose main advantage is its expedited nature. The abusive use of the disputed domain name has already caused substantial damage to the Complainant's image and reputation, and prolonging this UDRP procedure would unduly exacerbate those damages;
- The web page to which the disputed domain name redirects is in English; and
- No words included in the disputed domain name are in Chinese, while the extension ".bond" is an English word.

Accordingly, the Complainant asserts that requiring a translation of the Complaint into Chinese would be inequitable, burdensome, and unjustified under the particular circumstances of this case.

Pursuant to UDRP Rule 11(a), the Panel finds that the Complainant has advanced a persuasive argument. In view of the specific circumstances of this case, and in the absence of a Response, the Panel determines that the language of the proceeding shall be English.

The Panel is further satisfied that all remaining procedural requirements under the UDRP have been met, and there is no impediment to the issuance of a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the disputed domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(2) Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(3) the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant asserts ownership of the registered trademark FRETTE, as identified in the "Identification of Rights" section above. The Panel recognizes that an international or national trademark registration is sufficient to establish rights in a mark. Accordingly, the Panel finds that the Complainant has established its rights in the FRETTE trademark.

The Complainant further contends that the disputed domain name **<frette.bond>** is confusingly similar to its FRETTE mark, as it fully incorporates the FRETTE mark in its entirety, followed only by the ".bond" gTLD. The addition of a gTLD, does not suffice to distinguish a disputed domain name from a trademark. See SportScheck GmbH v. wu han yu chong shang mao you xian gong si, CAC-UDRP-107391 (CAC April 14, 2025) ("The addition of a generic or descriptive term and a gTLD does not sufficiently distinguish a disputed domain name from a trademark."). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's FRETTE mark.

No rights or legitimate interests

A complainant must first make a prima facie case that a respondent lacks rights and legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate it does have rights or legitimate interests. See Section 2.1, WIPO Jurisprudential Overview 3.0 ("Where a complainant makes out a prima facie case that

the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.").

Relevant information, such as WHOIS data, can serve as evidence to demonstrate whether a respondent is or is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii). The Panel notes that the Whois data lists "wu fan" as the registrant, and there is no evidence in the record indicating that the Respondent was authorized to use the mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii).

Next, the Complainant contends that the Respondent does not use the disputed domain name for any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Rather, the disputed domain name resolves to a login page displaying an image incorporating the Complainant trademark, which is currently deactivated.

The Panel notes that failure to actively use a domain name does not constitute a bona fide offering of goods or services or a legitimate or fair use under Policy paragraph 4(c)(i) and (iii). See CrossFirst Bankshares, Inc. v. Yu-Hsien Huang, FA 1785415 (Forum June 6, 2018) (“Complainant demonstrates that Respondent fails to actively use the disputed domain name as it resolves to an inactive website. Therefore, the Panel finds that Respondent fails to actively use the disputed domain name for a bona fide offering of goods or services or legitimate noncommercial or fair use under Policy ¶ 4(c)(i) or (iii).”).

The Complainant provides screenshot evidence of the resolving website. The Panel therefore finds that the Respondent has failed to use the disputed domain name in connection with a bona fide offering of goods or services or a legitimate or fair use under Policy 4(c)(i) and (iii).

The Panel finds that the Complainant has established a prima facie case based on the foregoing considerations. As the Respondent has neither submitted a Response nor made any attempt to rebut the prima facie case, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that the complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location.

The Complainant contends that the disputed domain name resolves to a login page displaying an image incorporating the Complainant trademark, which is currently deactivated. Specifically, the FRETTE mark is clearly distinctive and well-known, making it highly probable that the Respondent was aware of the Complainant and its rights at the time of registration of the disputed domain name. The Respondent’s use of a privacy service to conceal its identity further supports an inference of bad faith.

The Panel observes that passive holding of a domain name may still constitute bad faith use under paragraph 4(a)(iii) of the Policy. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 (finding that a panel must examine all relevant circumstances to determine whether passive holding amounts to bad faith).

In this case, the Panel considered the following circumstances:

(i) The Complainant is a globally renowned luxury linens and home furnishings brand, established in 1860 and long associated with European royalty, leading hotels, and major travel enterprises such as the Orient Express. From its origins in Grenoble and subsequent establishment in Italy, FRETTE quickly expanded its reputation through innovation, including award-winning fabrics, early mail-order services, and one of the first ready-to-wear home garment collections. Over the decades, FRETTE became the supplier of choice for the world’s most prestigious hotels, including the Ritz in Paris, the Savoy in London, the Plaza in New York, and the Peninsula in Hong Kong. Today, FRETTE maintains partnerships with over 1,500 luxury properties worldwide. The company, now controlled by Raza Heritage Holdings in Hong Kong, where the Respondent is based, achieved revenues of 100 million euros in 2021 and targets 279 million euros with a doubled store network by 2029. Its global presence includes 42 flagship stores in 33 countries, supported by a strong digital platform where e-commerce generates approximately 15% of sales. The Complainant is also widely promoted through social media, with tens of thousands of followers across Instagram, Facebook, and Twitter, consistently under the name “FRETTE.” In light of its long-standing use and high reputation, FRETTE trademarks are considered well known worldwide;

(ii) The disputed domain name resolves to a login page displaying an image incorporating the Complainant trademark, which is currently deactivated; and

(iii) The Respondent has provided no evidence of any actual or contemplated good faith use of the disputed domain name.

In view of these considerations, the Panel finds that the Respondent's passive holding of the disputed domain name constitutes bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant further asserts that the Respondent registered and used the disputed domain name with knowledge of the Complainant's rights in the FRETTE mark. While constructive knowledge alone is insufficient under Policy paragraph 4(a)(iii), actual knowledge, demonstrated by the notoriety of the mark and the nature of the Respondent's use, is sufficient to establish bad faith. See Orbitz Worldwide, LLC v. Domain Librarian, FA 1535826 (Forum February 6, 2014) ("The Panel notes that although the UDRP does not recognize 'constructive notice' as sufficient grounds for finding Policy paragraph 4(a)(iii) bad faith, the Panel here finds actual knowledge through the name used for the domain and the use made of it."); see also AutoZone Parts, Inc. v. Ken Belden, FA 1815011 (Forum December 24, 2018) ("Complainant contends that Respondent's knowledge can be presumed in light of the substantial fame and notoriety of the AUTOZONE mark, as well as the fact that Complainant is the largest retailer in the field. The Panel here finds that Respondent did have actual knowledge of Complainant's mark, demonstrating bad faith registration and use under Policy paragraph 4(a)(iii).").

The Panel agrees and infers, based on the use of the disputed domain name and the global reputation of the FRETTE mark, that the Respondent had actual knowledge of the Complainant's rights at the time of registration. Accordingly, the Panel concludes that the disputed domain name was registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **frette.bond**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-08-19

Publish the Decision