Decision for dispute CAC-UDRP-107810

Case number	CAC-UDRP-107810
Time of filing	2025-08-11 10:44:40
Domain names	xn--balencaga-0pb.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BALENCIAGA SA

Complainant representative

Organization	INSIDERS

Respondent

Name	Melissa Hartfield

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 relies on the following registered trademark:

- International trademark registration (IR) under the "Madrid" system no. 397506 "BALENCIAGA" (word), protected inter alia, in Armenia, Australia, Belarus, Bosnia and Herzegovina, Greece, Kazakhstan, Poland, Singapore, Russia, Vietnam, Ukraine and Norway, registration date is April 13, 1973.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant submits that it is a well-known company in the luxury fashion industry existing since 1917, with over 300 stores all over the world.

The Complainant promotes and offers its products for sale under the trademark "BALENCIAGA" both online and offline, including via its main website at <balenciaga.com>.

The disputed domain name was registered on January 24, 2025.

The disputed domain name currently does not resolve to any active webpage. It used to redirect to Complainant's own website at <balenciaga.com> in the past.

The Complainant contends the disputed domain name is confusingly similar to its "BALENCIAGA" trademark as it contains the Complainant's trademark in its entirety with a misspelling.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Respondent is not affiliated with the Complainant in any way and was not authorized to use the registered "BALENCIAGA" mark.

The Whois records show no business name that may justify Respondent's interest in the disputed domain name.

The Complainant further states that the Respondent is not an authorized retailer of the Complainant.

The disputed domain name previously redirected to the Complainant's own website and this does not create rights or legitimate interests of the Respondent.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND BEING USED IN BAD FAITH

The Complainant's submissions on the bad faith element are extremely short.

The Complainant submits that it is a well-known company that existed since 1917 and the disputed domain name used to redirect to the Complainant's own website at <balenciaga.com>.

The Complainant alleges that the Respondent took unfair advantage of the Complainant's mark by creating an unauthorized redirection to the official "BALENCIAGA" website via the disputed domain name.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the "Factual Background" section above

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

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

The Complainant provided evidence of its IR for the word mark. As confirmed by the "WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition" ("WIPO Overview 3.0"): "where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case" (see sec. 1.2.1).

Therefore, the Complainant established its trademark rights.

The disputed domain name is an obvious misspelling of the Complainant's trademark and includes some additional random characters.

As stated in WIPO Overview 3.0: "Where the relevant trademark 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" (sec. 1.8) and "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" (see 1.9).

The Panel agrees with this view.

In the present case, the Complainant's word trademark is clearly recognizable within the disputed domain name, and an obvious misspelling and additional characters do not eliminate confusion.

The gTLD ".com" is to be disregarded under the confusing similarity test as it does nothing to eliminate confusion.

Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see Julian Barnes v. Old Barn Studios, WIPO Case No. D2001-0121.

The disputed domain name was registered on January 24, 2025. It does not resolve to any active page on the date of this decision and it was previously used to redirect to the Complainant's own website.

The Respondent has not filed a Response.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate (see paragraph 14(b) of the Rules and **CAC Case No. 101284**: "A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant").

The Complainant has made a prima facie case of the Respondent's lack of rights or legitimate interests.

The Respondent is not known by the disputed domain name and is identified as an individual with no connection to the Complainant's business or the disputed domain name. The Complainant has not granted any license or authorization to use its trademark to the Respondent and the Complainant is not doing any business with the Respondent.

The nature of the disputed domain name is such that it creates an association with the Complainant and its business; the disputed domain name is a misspelled version of the Complainant's trademark ("typosquatting").

Previous UDRP panels noted that in such circumstances respondent does not have rights or legitimate interests, see e.g. **CAC Case No. 104298**: "The disputed domain names are typosquatted versions of its trademark which is further proof that the Respondent has no rights or legitimate interests under the Policy…"and **CAC Case No. 104778**: "In this case, the Panel finds that the disputed domain name can be considered as virtually identical to the Complainant's trademark as it simply adds two letters identical to the respective letters next to these, resulting in a high risk of implied affiliation".

Typosquatting does not create any rights or legitimate interests of the Respondent.

Therefore, the Panel finds that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith.

These circumstances are non-exhaustive and other factors can also be considered.

It is well established that bad faith under the Policy is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see sec. 3.1 of WIPO Overview 3.0). Targeting is required to find Respondent's bad faith.

As noted in "UDRP Perspectives on Recent Jurisprudence", updated on June 02, 2025, ("UDRP Perspectives") in sec. 3.3: "targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name".

The Panel notes that Complainant's submissions are very short and its evidence in support of its submissions is limited. In particular, the Complainant claims that it is a well-known company but provides no evidence of that statement except a for single screenshot of its own website.

This is not fatal to this particular case, however, the Complainant needs to pay more attention in the future.

The Panel finds that the disputed domain name was registered and is being used in bad faith based on the following:

- The nature of the disputed domain name ("typosquatting") and the timing of the registration of the disputed domain name – January 24, 2025, many years after the Complainant obtained protection for its trademark and became known under its mark and name. The nature of the disputed domain name indicates that the Respondent was most likely aware of the Complainant and its trademark when she registered the disputed domain name;
- The strength and reputation of the Complainant's trademark. The Complainant alleges that its mark is well-known. The Panel notes that the Complainant provided very scarce evidence of well-known character of the "BALENCIAGA" trademark (a single screenshot of its website). Normally, more evidence is required to establish that a trademark is well-known/ has a strong reputation (e.g. evidence of awards, publications by independent sources, media reports, etc.). However, as noted above, this is not fatal to the Complainant in the present dispute. The Panel indeed finds that the mark is widely known despite the limited evidence provided by the Complainant. Panel's own personal knowledge and limited independent research of publicly available sources confirmed well-known character of the Complainant's trademark (exercising Panel's powers under par. 10 of the UDRP rules) such as "Wikipedia" articles and numerous publications about the Complainant and its activities in different countries across the globe;
- Direct evidence of targeting, namely evidence that the disputed domain name was used for redirection to the Complainant's own website and
- The Panel finds that this is a case of targeting and an attempt to take unfair advantage of the Complainant's trademark. There are no rights or legitimate interests of the Respondent taking into account evidence and facts of this case and the only apparent reason for registration of the disputed domain name is an intent of the Respondent to take unfair advantage of the Complainant's mark and reputation.

Based on the above, the Panel finds that the Respondent's behavior falls within, at least, par. 4 b (iv) of UDRP and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to her web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement and that the Respondent takes unfair advantage of the Complainant's mark.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **xn--balencaga-0pb.com** : Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2025-09-05

Publish the Decision