Decision for dispute CAC-UDRP-108100

Case number	CAC-UDRP-108100
Time of filing	2025-10-31 09:22:03
Domain names	procelyslesaffre.com

Case administrator

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

Complainant

Organization	LESAFFRE ET COMPAGNIE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	tylo gummi

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

Among others, the Complainant is the owner of various LESAFFRE trademarks, such as:

French Registered Trademark Number 3202372 for the word and device mark LESAFFRE, registered since January 2, 2003 in Classes 1, 5, 16, 29, 30, 31, 32, 33, 35, 38, 39, 41, 42, and 45.

The Complainant is also the owner of several PROCELYS trademarks, such as:

International Registered Trademark Number 1295142 for the word mark PROCELYS, registered since December 22, 2015 in Classes 1, and 30, and designated in respect of over 30 countries.

FACTUAL BACKGROUND

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

Founded in 1853, the Complainant is a French multi-national company, engaged in the design, manufacture and marketing of innovative solutions for baking, food taste, healthcare and biotechnology. The Complainant employs 11,000 people in more than 55 countries, distributes in 180 countries, and has reported a turnover of EUR 3 billion.

In addition to the Complainant's LESAFFRE and PROCELYS trademarks, the Complainant owns a domain name portfolio containing corresponding domain names such as <lesaffre.com> registered since December 19, 1996 and <procelys.com> registered since October 30, 2015.

The disputed domain name was registered on October 15, 2025 and resolves to a parking page with commercial links. MX records are configured in the DNS to which the disputed domain name has been delegated.

PARTIES CONTENTIONS

Complainant:

The disputed domain name is confusingly similar to the Complainant's LESAFFRE trademark, which is contained identically therein. The addition of the trademark PROCELYS is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark LESAFFRE, and does not change the overall impression of the designation as being connected to the Complainant's trademark. The addition of the term PROCELYS worsens the likelihood of confusion between the disputed domain name and the Complainant's trademark, as it directly refers to the Complainant's business unit.

The addition of the gTLD ".com" does not change the overall impression of the designation as being connected to the Complainant's trademark or prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its associated domain name.

Previous cases under the Policy have confirmed the Complainant's rights concerning the term LESAFFRE.

The Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent is not identified in the Whois database as the disputed domain name. Previous panels have held that a respondent is not commonly known by a domain name if the Whois information is not similar thereto. Thus, the Respondent is not known by the disputed domain name.

The Respondent is neither affiliated with nor authorized by the Complainant in any way. The Respondent is not related in any way to the Complainant's business. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademarks LESAFFRE and PROCELYS, nor permission to apply for registration of the disputed domain name.

The disputed domain name resolves to a parking page with commercial links. Previous panels under the Policy have found that this does not constitute the making of a bona fide offering of goods or services, or a legitimate non-commercial or fair use thereof.

The disputed domain name is confusingly similar to the Complainant's prior trademark LESAFFRE, and was registered many years after the Complainant established a strong reputation and goodwill in said mark. The addition of the term PROCELYS to such trademark cannot be coincidental as this refers to the Complainant's business unit and trademark, and indicates that the Respondent was well aware of the Complainant and its subsidiaries at the time of registration of the disputed domain name. The Complainant contends that it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of Complainant's rights in its trademarks.

The disputed domain name resolves to a parking page with commercial links, confirming that the Respondent has attempted to attract Internet users for commercial gain to its own website by taking advantage of the Complainant's trademarks, which is evidence of bad faith.

The disputed domain name has been configured with MX records, which suggests that the disputed domain name may be used actively for e-mail purposes. This is also indicative of bad faith registration and use because any e-mail emanating from the disputed domain name could not be used for any good faith purpose.

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

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

The Complainant has demonstrated to the Panel's satisfaction that it has UDRP-relevant rights in its LESAFFRE trademark by virtue of its corresponding French Registered Trademark as specified in the Complainant's rights section above. The said mark is semi-figurative in nature but the textual element is readily severable from the design elements in order to provide a comparison with the disputed domain name (bearing in mind that a domain name cannot feature design elements). The said mark is repeated in its entirety in the disputed domain name. The disputed domain name also contains the entirety of another trademark of the Complainant as its first element, namely the PROCELYS trademark, in which the Complainant has rights by virtue of the corresponding International Registered Trademark, also specified in the Complainant's rights section above.

The Panel considers that both of the Complainant's marks are fully recognizable in the disputed domain name based upon a straightforward side-by-side comparison. The generic Top-Level Domain in respect of the disputed domain name, namely ".com", is typically disregarded for the purposes of the comparison under the first element analysis of the Policy. In all of these circumstances, the Panel finds that the disputed domain name is confusingly similar to trademarks in respect of which the Complainant has rights.

With regard to the second element of the Policy, the Complainant asserts that the Respondent is not commonly known by the disputed domain name (according to a review of the corresponding Whois information), that the Respondent is not affiliated with, licensed nor authorized by the Complainant in any manner, that the Respondent carries out no business activity with the Complainant, and that no license nor authorization has been granted to the Respondent by the Complainant to make any use of the Complainant's said trademarks or to apply for registration of the disputed domain name. The Panel notes the terms of the Complainant's evidence that the disputed domain name points to a page with commercial advertising links, including one directly relevant to the Complainant's line of business, and that MX records are configured such that the disputed domain name may be used to for e-mail purposes.

The Panel finds that the Complainant's assertions and evidence, taken together, are sufficient to constitute the requisite prima facie case that the Respondent has no rights and legitimate interests in the disputed domain name (see, for example, section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0")). In particular, the Panel accepts that the disputed domain name is more probably than not intended to cause confusion in the selection of a hyperlink, or otherwise to impersonate the Complainant, including by way of misleading e-mail. The fact that the disputed domain name is delegated to DNS with configured MX records supports the notion that the Respondent may be planning to use it in connection with e-mail which the recipient will mistakenly believe to emanate from the Complainant due to the disputed domain name consisting of the Complainant's trademarks. Such potential activity cannot give rise to rights or legitimate interests in the disputed domain name.

The Respondent has not replied to the Complainant's allegations and evidence in this case and has failed to set out any alleged rights or legitimate interests which it might have claimed in the disputed domain name. There are no submissions or evidence on the record which might serve to rebut the Complainant's prima facie case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

With regard to the third element of the Policy, the Panel finds that the disputed domain name has been registered and is being used in bad faith. The Panel accepts the Complainant's submission that the Complainant's LESAFFRE mark is well-known (see, for example, the panel's comments in LESAFFRE ET COMPAGNIE v. Kumar Associates, CAC Case No. 102989). The Panel finds that the disputed domain name has intentionally combined such well-known mark with another of the Complainant's registered trademarks. In these circumstances, it is entirely reasonable to infer that the disputed domain name was registered by the Respondent with knowledge of the Complainant and its rights, and with an intent to target these. The disputed domain name is being used in connection with a parking page featuring commercial links, at least one of which refers to the Complainant's line of business. The Respondent is thus using the presence of the Complainant's well-known mark in the disputed domain name along with another of the Complainant's marks to generate click-through traffic on the link relating to the Complainant's line of business. This demonstrates to the Panel's satisfaction that the disputed domain name is targeting the Complainant's rights unfairly and is being used in bad faith.

The presence of configured MX records within the DNS servers to which the disputed domain name is delegated strongly indicates to the Panel that the Respondent may be planning to use the disputed domain name for e-mail purposes. Any e-mail referencing or using the disputed domain name (whether deployed as the "from" e-mail address, or as the "reply to" address, or otherwise referred

to in the e-mail content) would impersonate the Complainant, taking unfair advantage of the presence of the Complainant's two trademarks in the disputed domain name, ultimately for the Respondent's commercial benefit. Even if there is no direct evidence of such an e-mail having been sent as yet, the continued registration of the disputed domain name constitutes a threat hanging over the Complainant of which the Complainant is reasonably apprehensive. The existence of such an ongoing threat is also typically regarded as an indicator of bad faith under the Policy (see, for example, IP86, LLC v. Name Redacted, WIPO Case No. D2022-4896).

In all of these circumstances, the Panel considers that the Complainant has made out a sufficient case of registration and use in bad faith. The Respondent has not filed a Response in this case and therefore has made no rejoinder to the Complainant's assertions of bad faith registration and use. No explanation has been presented by the Respondent that might have suggested that its actions regarding the disputed domain name were in good faith, and the Panel has been unable to identify any conceivable good faith motivation which the Respondent might have put forward for its registration and use of the disputed domain name.

In all of these circumstances, the Panel finds that the disputed domain name has been registered and is being 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. **procelyslesaffre.com**: Transferred

PANELLISTS

Name	**Andrew Lothian**

DATE OF PANEL DECISION 2025-11-26

Publish the Decision