Decision for dispute CAC-UDRP-108565

Case number	CAC-UDRP-108565
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Domain names	lesechos-presse.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LES ECHOS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Daniel Thomas

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 registered trade mark rights in the word mark LES ECHOS, in particular, the following registrations:

- French trade mark No. 1337380 LES ECHOS, registered on 13 June 1986;
- French trade mark No. 95576923 LES ECHOS, registered on 28 July 1995;
- French trade mark No. 3011883 LES ECHOS, registered on 7 April 2000; and
- International trade mark No. 742930 LES ECHOS, registered on 1 September 2000 and designating the UK, Greece, Japan, the Benelux, Switzerland, Germany, Algeria, Spain, Italy, Morocco, Romania.

The Complainant also relies on longstanding use of the LES ECHOS name in trade in connection with its French daily financial newspaper, founded in 1908, and its online presence including <lesechos.com>, registered on 31 October 1996, and <lesechos.fr>, registered and used for its official website since 9 February 2009.

It says LES ECHOS is a well-known mark with a reputation and that earlier panels have found this such as LES ECHOS SAS v. Nashan, WIPO Case No. D2017-1925 (<lesechos.site>), and Les Echos v. Zhao Zhong Xian, The Forum Case No. 1716753 (<lesechos.website>).

FACTUAL BACKGROUND

The Complainant is the publisher of LES ECHOS, a French daily newspaper covering national and international financial news. It has used the LES ECHOS mark since 1908 to provide paper and now also digital editions. The Complainant has some 11 million readers per month.

The disputed domain name <lesechos-presse.com> was registered on 26 March 2026. As at 7 April 2026 it resolved to a parking page advertising hosting and hosting accounts and related services offered by Hostinger.

PARTIES CONTENTIONS

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 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

Under paragraph 4(a) of the Policy, the Complainant must establish each of the following: (i) that the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) that the disputed domain name has been registered and is being used in bad faith. The Policy does not provide for a default decision for a complainant. Even in the absence of a Response, the Panel must be satisfied on the evidence that each element of paragraph 4(a) has been proved by the complainant.

1. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has rights in the mark LES ECHOS by virtue of its registered French and international trade marks and its longstanding use of that name in trade since 1908. The Panel is also satisfied that LES ECHOS is a mark with a reputation in the field of financial news and business information.

The disputed domain name incorporates the Complainant's registered mark in its entirety. The absence of the space between "LES" and "ECHOS" is immaterial. The trade mark remains plainly recognizable as the distinctive and dominant element of the disputed domain name.

The addition of the generic or descriptive term "presse" does not prevent a finding of confusing similarity. On the contrary, in this factual context, it reinforces the association with the Complainant. The Complainant is a press publisher. Internet users encountering <lesechos-presse.com> would naturally understand it as denoting a press, media, editorial, subscription, corporate communications, or publication-related domain name connected with LES ECHOS.

This approach is consistent with earlier UDRP decisions. The same reasoning applies here, “presse” is not a random addition, but a word pointing directly toward the Complainant’s field of activity. Under the Policy, the addition of descriptive or generic terms does not avoid confusing similarity generally and, in particular, where those terms reinforce or compound the association with the complainant’s own activities. The hyphen is immaterial. The generic Top-Level Domain “.com” is disregarded for the purposes of this first element of the Policy.

The disputed domain name is confusingly similar to the LES ECHOS mark in which the Complainant has rights so the first limb of paragraph 4(a) of the Policy is therefore satisfied.

2. Rights or Legitimate Interests

On the second limb of the Policy, it is well established that a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests and then the burden of proof shifts to the respondent to produce evidence demonstrating rights or legitimate interests. See Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455.

Past panels have held that a respondent is not commonly known by a disputed domain name where the WHOIS information does not correspond to that name. See, for example, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group, The Forum Case No. FA 1781783; Braun Corp. v. Loney, The Forum Case No. FA699652; and Tercent Inc. v. Lee Yi, The Forum Case No. FA139720.

Here the WHOIS information is not similar to the disputed domain name and gives no indication that the Respondent is known as “Les Echos” or “Les Echos Presse”.There is no evidence that the Respondent has any trade mark rights corresponding to LES ECHOS, or any licence, permission or other authorization from the Complainant to use the LES ECHOS mark. The Complainant states that it has no business relationship with the Respondent and has not authorized the Respondent to register or use the disputed domain name.

On the other hand, even on the face of the matter there may be some potential for a legitimate use as in French, the term LES ECHOS, also has a descriptive or ordinary meaning and means “reports, news in brief, or rumors.” So it could, in theory, be used in a descriptive sense. No-one can own a common or dictionary word to the exclusion of the rest of the world and they are inherently descriptive and lacking in the distinctiveness required for trade mark law. Trade marks as badges of origin must indicate the undertaking/business responsible for the quality of the goods or services. Therefore marks cannot lack either inherent or acquired distinctiveness or be too descriptive of the goods and services. There is a public interest value underlying these rules, as no trader should be able to acquire exclusive rights to words other traders might wish to use, such as terms with purely informational values or the names of products or services. Even once registered, owners of highly descriptive marks must be able to establish acquired distinctiveness. The Policy, the UDRP, also recognizes this by this second limb.

Here however the Complainant’s trade marks are registered, and the relevant registrars were clearly satisfied as to their registrability. Further, the name and marks of the Complainant are truly famous and therefore have acquired distinctiveness due to the use since 1908 and the public would think of the Complainant and not the common meaning. That is precisely “acquired distinctiveness” or secondary meaning.

But as many traders want to use descriptive terms for their informational values those selecting such terms as marks may have to tolerate confusion and consumers are not easily confused by such terms. If you select a descriptive mark, small differences must be tolerated. See Tire Discounters, Inc. v. TireDiscounter.com, The Forum 679485 (“Because the mark is merely descriptive, small differences matter”).

The question that remains in this case is whether the disputed domain name was selected and is used for its original common, dictionary or descriptive sense by the Respondent here or in order to target the power and repute of the registered trade mark of the Complainant in order to free-ride on it and to generate traffic. The Panel finds it is the latter. The Panel also notes that MX records are configured for the disputed domain name. This is relevant to the overall assessment of legitimacy due to the risk of misuse.

The disputed domain name here resolves to a parking page. Parking and passive pages are not per se illegitimate, but their legitimacy is a fact sensitive inquiry especially where there is revenue. As at 7 April 2026 it resolved to a parking page advertising hosting and hosting accounts and related services offered by one Hostinger. This looks like commercial lead generation activity.

The Respondent has not come forward to provide any explanation for selecting a domain name composed of the Complainant’s well known mark and in the absence of any rebuttal or any credible indication of a genuine good-faith purpose, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy is satisfied.

3. Registered and Used in Bad Faith

This third limb will often follow the second, where there is no legitimate or fair use, there will often be bad faith registration and use.

The LES ECHOS mark is distinctive and famous and has been used for a very substantial period. It is simply not plausible that the Respondent selected this combination by coincidence or without knowledge of the Complainant and its rights.

The previous decision in LES ECHOS SAS v. Nashan, WIPO Case No. D2017-1925, is especially relevant. There the panel found that the Complainant had a reputation in the LES ECHOS marks and that the Respondent would not have been unaware of the Complainant’s trade mark rights. The same is true here. The weight of authorities under the Policy supports this by cases such as

Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003 and CBS Broadcasting, Inc. v. Dennis Toeppen, WIPO Case No. D2000-0400.

The configuration of MX records reinforces the finding of bad faith. The risk of misuse is high. It could be used to impersonate the Complainant, to approach journalists, advertisers, subscribers, partners, or members of the public, or to obtain information under the appearance of an official LES ECHOS related address for phishing. See JCDECAUX SA v. Handi Hariyono, CAC Case No. 102827 (where a domain name targets a well-known mark and MX records are active, it may be inconceivable that the respondent could make good-faith email use of that domain name).

The Panel concludes that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lesechos-presse.com**: Transferred

PANELLISTS

Name	**Victoria McEvedy**

DATE OF PANEL DECISION 2026-05-20

Publish the Decision