Decision for dispute CAC-UDRP-108651

Case number	CAC-UDRP-108651
Time of filing	2026-05-14 09:04:21
Domain names	simonepereleofficial.shop

Case administrator

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

Complainant

Organization	SIMONE PERELE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Gene Rishi

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 mark SIMONE PERELE and related marks, including:

- International trade mark No. 272755, SIMONE PERELE, registered on 9 August 1963;
- European Union trade mark (EUTM) No. 4367512, SIMONE PERELE, registered on 17 February 2006; and
- EUTM No. 13026216, SP SIMONE PERELE PARIS, registered on 31 December 2014.

The Complainant also relies on longstanding use of the SIMONE PERELE name in trade in connection with women's lingerie and swimwear, on its official e-shop and in boutiques and department stores in France and internationally.

The Complainant also owns and uses domain names incorporating its mark, including <simone-perele.com>, registered and used since 7 August 1997.

The Complainant further relies on previous UDRP recognition of its rights, including CAC Case No. 104984, SIMONE PERELE v. Wgyeg Fyett (<perelesimone.com>).

FACTUAL BACKGROUND

The Complainant, founded in 1948, designs, manufactures and sells luxury women's lingerie and swimwear. It sells its products through traditional retail channels, including boutiques and department stores, and through its official online shop in France and other countries.

The disputed domain name <simonepereleofficial.shop> was registered on 17 April 2026. It redirects to a website purporting to be an online store selling SIMONE PERELE products at discounted prices. The website reproduces the Complainant's mark and logo.

The Respondent is Gene Rishi of Cambridge, Massachusetts, United States. Nothing in the record suggests any relationship between the Respondent and the Complainant.

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 an automatic or default judgment. 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 and the Complainant bears the burden of proof.

1. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has rights in the SIMONE PERELE mark by virtue of its registered marks including the EUTMs and its longstanding use of that name in trade since 1948. The Panel is also satisfied that the SIMONE PERELE mark is distinctive in relation to lingerie, swimwear and related retail services and enjoys a reputation in that field.

The disputed domain name incorporates the Complainant's SIMONE PERELE mark in its entirety, omitting only the space between the two words. The absence of a space is immaterial, since spaces cannot be reproduced in domain names. The mark remains plainly recognizable as the dominant and distinctive element of the disputed domain name.

The addition of the word "official" does not prevent a finding of confusing similarity. On the contrary, it reinforces the association

with the Complainant. The word “official” is commonly used to denote a site authorised by, operated by, or directly connected with the trade mark owner. Internet users encountering <simonepereleofficial.shop> would naturally understand it as an official online shop for SIMONE PERELE products.

The generic Top-Level Domain “.shop” is ordinarily disregarded for the purposes of the first element. In any event, the nature of that TLD reinforces the commercial retail impression created by the disputed domain name. The Panel’s conclusion is consistent with the settled approach reflected in Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin, WIPO Case No. D2003-0888, and section 1.11 of the WIPO Overview 3.0.

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

2. Rights or Legitimate Interests

It is well established that a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests. Once that is done, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests. The ultimate burden of proof remains on the complainant. See Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455.

The Complainant has made out that prima facie case. The record does not show that the Respondent, Gene Rishi, has been commonly known by the disputed domain name. The WHOIS information is not similar to the disputed domain name and gives no indication that the Respondent is known as “Simone Perele” or “Simone Perele Official”. 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.

There is no evidence that the Respondent has any trade mark rights corresponding to SIMONE PERELE, or any licence, permission or other authorisation from the Complainant to use the SIMONE PERELE mark. The Complainant states that it has no business relationship with the Respondent and has not authorised the Respondent to register or use the disputed domain name.

The more substantial question is whether the Respondent might nevertheless claim a legitimate interest as a reseller or distributor. UDRP panels recognise that a reseller, distributor or service provider may, in some circumstances, have a right or legitimate interest in using a domain name containing a complainant’s mark to sell the complainant’s genuine goods. That possibility is commonly assessed by reference to the cumulative requirements outlined in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903.

Under the Oki Data test, the following cumulative requirements are generally applied in the specific circumstances of a UDRP case: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant’s relationship with the trade mark holder; and (iv) the respondent must not try to corner the market in domain names reflecting the trade mark.

On the evidence, the website associated with the disputed domain name purports to offer SIMONE PERELE products at discounted prices. The record does not enable the Panel to determine definitively whether the products offered are genuine, counterfeit, grey market, or not available at all. The Complaint suggests impersonation and relies on the Respondent’s reproduction of the Complainant’s logo and official presentation. For present purposes, the Panel does not need to make a definitive finding as to the authenticity of the goods. Even assuming in the Respondent’s favour that the goods offered were genuine SIMONE PERELE goods, the Respondent would still fail the Oki Data test.

The Respondent fails, in particular, the requirement that the site accurately and prominently disclose the registrant’s relationship with the trade mark holder. The disputed domain name itself includes the word “official”. That word is not a neutral reseller description. It conveys authorisation, endorsement, or operation by the Complainant. The website then compounds that impression by reproducing the SIMONE PERELE logo and presenting itself as an online store for the Complainant’s products. The record does not show any prominent disclaimer or accurate explanation that the Respondent is independent from the Complainant. The overall presentation therefore suggests an official source or authorised commercial relationship where none exists.

The Respondent also fails the fourth Oki Data requirement. The choice of <simonepereleofficial.shop> does not merely describe resale of SIMONE PERELE products. It appropriates the Complainant’s mark and combines it with “official” and “.shop”, thereby using a domain name that Internet users would naturally expect the Complainant itself to use for an authorised online shop. That composition is not necessary for a reseller to describe the goods it sells. It is calculated to capture traffic looking for the Complainant’s official retail presence and to prevent the Complainant from using a natural official-shop formulation of its own mark.

This is therefore not a case of nominative fair use or legitimate resale. A reseller may identify the goods it sells, but it may not falsely present itself as the trade mark owner or as an official shop. The use of “official” in the disputed domain name is decisive in this case. It makes the representation of affiliation or authorisation at the domain-name level, before the user even reaches the website.

The Panel’s conclusion is reinforced by prior authority concerning impersonation and online shops. In Comme Des Garcons, Ltd. and Comme Des Garcons Co., Ltd. v. Lina543 Valen354345cia, The Forum Case No. FA 2001717, the panel found that use of a confusingly similar domain name for a misleading website passing itself off as the complainant did not give rise to rights or legitimate interests. Likewise, in Kurt Geiger Limited v. Ralph Grunwald, WIPO Case No. D2021-1558, the panel treated the respondent’s failure to disclose its lack of relationship and its creation of an impression of association with the complainant as inconsistent with legitimate use.

The Respondent has not come forward to rebut the Complainant's prima facie case or to show that it is an authorised distributor, a genuine reseller operating transparently, or otherwise entitled to use the disputed domain name. In the absence of such evidence, and given the misleading use of "official" and the presentation of the website, 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

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

The SIMONE PERELE mark is distinctive, longstanding and enjoys a reputation in relation to lingerie, swimwear and related retail services. The disputed domain name reproduces the mark in its entirety and adds the word "official". The website to which it resolves purports to sell SIMONE PERELE products and reproduces the Complainant's logo. These facts make it implausible that the Respondent registered the disputed domain name by coincidence or without knowledge of the Complainant and its mark. The Respondent plainly had the Complainant in mind.

The composition of the disputed domain name is itself probative of targeting. The word "official" is not a descriptive word for lingerie or swimwear. In this context it is a claim of status. It tells Internet users that the site is official, authorised, or connected with the brand owner. The addition of the ".shop" TLD further increases the impression of an official retail outlet. The domain name therefore creates the false expectation that the website is operated by, or with the authority of, the Complainant.

The use made of the disputed domain name confirms bad faith. The Respondent redirects Internet users to a website purporting to be an online store for SIMONE PERELE products at discounted prices, while reproducing the Complainant's mark and logo. Whether the goods are counterfeit, genuine grey-market goods, or not available at all, the critical point for the Policy is that the Respondent has used the Complainant's mark to create a misleading appearance of affiliation and to attract Internet users for commercial gain.

Paragraph 4(b)(iv) of the Policy expressly identifies bad faith where a respondent, by using the domain name, intentionally attempts to attract Internet users to its website or other online location for commercial gain by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation or endorsement. That is precisely the situation here. The disputed domain name suggests an official SIMONE PERELE shop. The website then reinforces that suggestion. The likely commercial object is to convert users seeking the Complainant's official shop into customers of the Respondent's website.

The Panel has also considered whether the case could be characterised as a reseller or distributor case. As noted above, even on the assumption that the goods were genuine, the Respondent's conduct would not satisfy the Oki Data requirements. A respondent who uses a domain name containing "official" and fails to disclose prominently and accurately that it has no relationship with the trade mark owner is not making a fair reseller use. Such conduct is inherently misleading and supports a finding of bad faith.

The authorities relied on by the Complainant support that conclusion. In Ferrari S.p.A. v. American Entertainment Group Inc., WIPO Case No. D2004-0673, knowledge of a well-known mark and targeting of that mark supported an inference of bad faith. In Instron Corporation v. Andrew Kaner c/o Electromatic a/k/a Electromatic Equip't, The Forum Case No. FA 768859, use of a confusingly similar domain name to operate a competing website was treated as disruptive and in bad faith. In Kurt Geiger Limited v. Ralph Grunwald, WIPO Case No. D2021-1558, the panel found bad faith where the respondent's website created the impression of association with the complainant while failing to disclose the lack of relationship. The same essential reasoning applies here.

The Respondent's failure to participate is not by itself proof of bad faith, but it permits the Panel to draw appropriate inferences from the unrebutted evidence. The Respondent has provided no explanation for choosing a domain name that combines the Complainant's entire mark with "official" and ".shop", no evidence of authorisation, no evidence of a transparent reseller relationship, and no evidence of any good-faith purpose.

Taking all of these circumstances together - the distinctiveness and reputation of the Complainant's mark, the Respondent's evident knowledge of that mark, the misleading "official" domain name, the reproduction of the Complainant's logo, the absence of any accurate disclosure of the relationship, and the commercial online-shop use - the Panel concludes that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) and paragraph 4(b)(iv) of the Policy.

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

For the foregoing reasons, the Panel finds that the Complainant has satisfied each of the three elements required under paragraph 4(a) of the Policy.

The Panel orders that the disputed domain name <simonepereleofficial.shop> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **simonepereleofficial.shop**: Transferred

PANELLISTS

Name	**Victoria McEvedy**

DATE OF PANEL DECISION 2026-06-22

Publish the Decision