

Decision for dispute CAC-UDRP-108863

Case number	CAC-UDRP-108863
Time of filing	2026-07-24 11:35:34
Domain names	centrepompidou-fr.com, checkaut-centrepompidou-fr.com

Case administrator

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

Organization	CENTRE NATIONAL D'ART ET DE CULTURE GEORGES POMPIDOU
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Tomi Hint
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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 multiple trademark registrations incorporating CENTRE POMPIDOU, including, inter alia:

- United Kingdom Trademark Registration No. UK00913087374 for the mark CENTRE POMPIDOU (word), registered on December 9, 2014 in classes 16, 25, 28, 35 and 41;
- International Trademark Registration No. 1633907 for the mark CENTRE POMPIDOU (word), registered on June 4, 2021 in classes 16, 25, 28, 35 and 41; and
- European Union Trademark Registration No. 13087374 for the mark CENTRE POMPIDOU (word), registered on December 9, 2014 in classes 16, 25, 28, 35 and 41.

FACTUAL BACKGROUND

The Complainant, founded in 1977, is a government-owned national museum subsidized by the French Ministry of Culture. Based in Paris, the Complainant houses the National Museum of Modern and Contemporary Art, the Public Information Library, a centre for industrial creation and musical research. The Complainant welcomed more than 3 million visitors, while its official website received nearly 14 million visits in 2024. The Complainant operates, among others, its official domain names <centrepompidou.fr> since 1998.

The disputed domain names were registered on July 13, 2026.

At the time of the registration, the disputed domain name <centrepompidou-fr.com> resolved to a website reproducing the Complainant's official website. At the time of this Decision, both disputed domain names no longer resolve to active websites and instead return error messages when accessed by Internet users.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

(1) the disputed domain names are confusingly similar to the Complainant's trademark, since they incorporate the CENTRE POMPIDOU mark and the addition of the terms "fr" and "checkaut" does not prevent a finding of confusing similarity with the Complainant's CENTRE POMPIDOU trademark, which remains clearly recognizable. The addition of the ".com" extension does not prevent confusion

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent is not affiliated with the Complainant, has no license or authorization to use the CENTRE POMPIDOU mark, and is not commonly known by the disputed domain names. The disputed domain names resolve to inactive websites, which supports a finding that the Respondent lacks rights or legitimate interests in respect of them. Furthermore, at the time of the registration, the disputed domain name <centrepompidou-fr.com> resolved to a copy of the Complainant's official website. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain names;

(3) the disputed domain names were registered and are being used in bad faith. Registering the disputed domain names so obviously connected to a well-known mark without authorization is itself evidence of bad faith. Since the disputed domain names incorporate the Complainant's CENTRE POMPIDOU mark, there is reason to believe that the Respondent registered the disputed domain names with full knowledge of the Complainant's trademark. The disputed domain names currently resolve to inactive websites. Moreover, the disputed domain name <centrepompidou-fr.com> previously resolved to a copy of the Complainant's official website, further reinforcing the inference of deliberate targeting and an intention to create a misleading association with the Complainant.

The Complainant requests transfer of the disputed domain names.

The Respondent

The Respondent did not reply to the Complainant's contentions.

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

To succeed, in a UDRP complaint, a complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as following:

- 1) that the disputed domain names registered by the Respondent are identical or confusingly similar to a trademark in which a complainant has rights;
- 2) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- 3) that the disputed domain names have been registered or are being used in bad faith.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint. The Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions.

The Panel has taken note of the WIPO Overview of WIPO Panel Views on Select UDRP Questions, Edition 3.1 ("WIPO Overview 3.1") and, where appropriate, will decide consistent with the consensus views captured therein.

Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy, it should be established that the disputed domain names are identical or confusingly similar to a mark in which the Complainant has rights.

The Complainant has demonstrated ownership of its CENTRE POMPIDOU trademark in various jurisdictions. The Panel is therefore satisfied that the Complainant has valid registered trademark rights. See WIPO Overview 3.1, section 1.2.1.

With the Complainant's trademark rights established, the remaining question under the first element of the Policy is whether the disputed domain names are identical or confusingly similar to the Complainant's mark. As clarified in WIPO Overview 3.1, section 1.7, this element primarily serves as a standing requirement, and the test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's mark and the disputed domain name, focusing on whether the Complainant's mark is recognizable within the disputed domain name.

The Panel finds that the disputed domain names are confusingly similar to the Complainant's CENTRE POMPIDOU trademark, as they directly and entirely incorporate the Complainant's registered trademark CENTRE POMPIDOU, together with the addition of the terms "fr", "checkout" and hyphen. The addition of a descriptive terms does not prevent a finding of confusing similarity, as the Complainant's CENTRE POMPIDOU mark remains clearly recognizable and constitutes the dominant element of the disputed domain names. See WIPO Overview 3.1, section 1.8.

In line with established UDRP practice, the gTLD ".com" is disregarded when assessing confusing similarity. See WIPO Overview 3.1, section 1.11.

The Panel therefore concludes that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights, and the requirement under paragraph 4(a)(i) of the Policy is satisfied.

Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

While the overall burden of proof remains with the Complainant, UDRP panels have consistently recognized that requiring a complainant to prove a negative would often be impracticable, as the relevant evidence concerning a respondent's rights or legitimate interests is typically within the respondent's knowledge. Accordingly, once the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production shifts to the Respondent to demonstrate such rights or legitimate interests under paragraph 4(c) of the Policy.

In the present case, the Complainant asserts that it has not authorized the Respondent to use its CENTRE POMPIDOU trademark in any manner. The Panel further notes that the Complainant has established trademark rights in CENTRE POMPIDOU and has confirmed that it has no relationship with the Respondent. The Respondent has not been authorized, licensed, or otherwise

permitted to use the Complainant's trademark. There is also no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

At the time of its registration, the disputed domain name <centrepompidou-fr.com> resolved to a website reproducing the Complainant's official website. Such use cannot constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor does it qualify as a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. At the time of this Decision, neither of the disputed domain names resolves to an active website, and there is no evidence that either is being used for any legitimate purpose.

There is no evidence that, before notice of the dispute, the Respondent used or made demonstrable preparations to use either of the disputed domain names in connection with a bona fide offering of goods or services. Nor is there any evidence that the Respondent is commonly known by the disputed domain names or has been authorized by the Complainant to use the CENTRE POMPIDOU mark. The previous use of <centrepompidou-fr.com> to reproduce the Complainant's official website indicates an intent to take unfair advantage of the Complainant's reputation, while the current inactivity of both disputed domain names provides no basis for finding any rights or legitimate interests. In these circumstances, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

Accordingly, the Complainant has established a strong prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has failed to rebut this case or to provide any evidence demonstrating rights or legitimate interests under paragraph 4(c) of the Policy.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered and is being used in bad faith.

The Complainant's CENTRE POMPIDOU trademark registrations predate the registration of the disputed domain names. The evidence shows that the Complainant's trademarks were registered and had already gained substantial recognition well before the Respondent registered the disputed domain names in 2026. The Complainant's CENTRE POMPIDOU mark is distinctive and well known in the field of art and culture, where the Complainant enjoys substantial recognition.

The Respondent's incorporation of the Complainant's CENTRE POMPIDOU trademark in its entirety, combined with the descriptive terms "fr", "checkaut", hyphen and the gTLD ".com" strongly indicates that the Respondent was fully aware of the Complainant and its reputation at the time of registration. Given the distinctiveness of the mark and the Complainant's extensive public presence, it is inconceivable that the Respondent independently selected the disputed domain names without prior knowledge of the Complainant.

Although the disputed domain names do not resolve to active websites, Panels have consistently held that passive holding does not preclude a finding of bad faith. Considering the reputation of the Complainant's mark, the composition of the disputed domain names, and the Respondent's failure to submit any Response, the Panel finds that the passive holding of the disputed domain names in this case does not prevent a finding of bad faith. WIPO Overview 3.1, section 3.3. See *BioNTech SE v. Joseph, [dRIME] [OMNX Inc.]*, WIPO Case No. D2025-3388.

The Panel further notes that the Respondent has made use of a privacy or proxy service to register the disputed domain names. In the circumstances of the present case it supports an inference that the Respondent sought to conceal its identity. This is considered by the Panel as an additional indicium of bad faith. WIPO Overview 3.1, section 3.6.

On the balance of the evidence where the Respondent has offered no plausible or supported explanation for the registration of the disputed domain names, the Panel finds that the Respondent's registration of the disputed domain names was motivated by the notoriety and goodwill of the Complainant's CENTRE POMPIDOU trademark. The Respondent's use of the disputed domain names to host a deceptive, imitation website constitutes a classic example of bad faith under paragraph 4(b)(iv) of the Policy, as it reflects a deliberate effort to exploit the Complainant's mark to attract users under false pretenses.

Taken together, these circumstances demonstrate a deliberate and sustained effort by the Respondent to exploit the Complainant's reputation and to mislead consumers for commercial gain.

Accordingly, the disputed domain names were both registered and used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **centrepompidou-fr.com**: Transferred
2. **checkaut-centrepompidou-fr.com**: Transferred

PANELLISTS

Name	Ganna Prokhorova
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DATE OF PANEL DECISION	2026-08-21
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Publish the Decision	
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