Decision for dispute CAC-UDRP-108942

Case number	CAC-UDRP-108942
Time of filing	2026-08-25 10:02:28
Domain names	lapostemobile.xyz

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LA POSTE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Clara Navara

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 several trademarks LA POSTE MOBILE, such as the French trademark LA POSTE MOBILE n° 4467907 registered on November 16, 2018.

FACTUAL BACKGROUND

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The Complainant is a French international, diversified group with operations in more than 60 countries across 5 continents. The Group is organized around two core businesses: logistics and mail-parcel delivery, and bancassurance. It also develops diversification activities, particularly in the fields of digital solutions and local services.

Complainant alleges that it formed the subsidiary "LA POSTE MOBILE" as a local carrier, with a presence close to where its customers live. Over the past 15 years, La Poste Mobile has served more than 2.5 million customers. In addition to the above noted trademarks, the Complainant also owns a number of domain names comprising the distinctive wording LA POSTE MOBILE such as <lapostemobile.com>, registered since March 9th, 2010 and <lapostemobile.fr> registered since March 9th, 2010.

The disputed domain name <lapostemobile.xyz> was registered on July 15th 2026.

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.

The Complainant alleges that LA POSTE MOBILE® predates the disputed domain name by several years and that it has established a strong reputation for its trademark. Further, the disputed domain name <lapostemobile.xyz> is identical to LA POSTE MOBILE® and its associated domain names. Indeed, the disputed domain name includes the mark in its entirety, without any addition or deletion.

It further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name and it is not related in any way to the Complainant. The Complainant does not carry out any activity for, nor has any business with, the Respondent. It has neither granted permission to register the disputed domain name nor has it licensed or authorized the Respondent to make any use of the Complainant's trademark LA POSTE MOBILE®.

Moreover, the Complainant contends that the domain name resolves to an error page, and further that Respondent has not made any use of the disputed domain name since the registration, and it confirms that Respondent has no demonstrable plan to use it. It demonstrates a lack of legitimate interests in respect of the disputed domain name.

Finally, the Complainant states that it sent a cease-and-desist notice to inform the Respondent of its prior rights and requested that it demonstrate a right or legitimate interest in that domain name. However, the Respondent did not respond. Thus, given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

RESPONDENT:

The Respondent has not appeared formally or informally to controvert the evidence submitted by the Complainant.

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

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Pursuant to Paragraph 4(a) of the Policy the Complainant is required to prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(i) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and
(ii) respondent has no rights or legitimate interests in respect of the domain name; and
(iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations and adduced proof pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnet-marketing, inc., Forum Case No. FA 95095 (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, WIPO Case No. D2000-0009 ("In the absence of a response, it is appropriate to accept as true all [reasonable] allegations of the Complaint.").

Identical or Confusingly Similar to a Mark in which Complainant has a Right

The Complainant has established that it has rights in the word mark LA POSTE MOBILE by providing the Panel with the evidence that it has a French trademark registration for its mark and claims without contradiction that it has registered trademarks in other jurisdictions. The Panel notes that a national or an international trademark registration is sufficient to establish rights in that mark. As such, the Panel finds that the Complainant has established that it has a right in the word mark LA POSTE MOBILE. WIPO Overview 3.1, sec. 1.2.1: 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."

The second part of the test under this first element is to establish that the Disputed Domain Name is identical or confusingly similar to LA POSTE MOBILE. The Panel observes that the second-level domain is identical to the mark. The addition of the gTLD ".xyz" — lapostemobile.xyz> — does not have any impact on the overall impression of the dominant portion of the disputed domain name and is therefore irrelevant to the determination that the disputed domain name is identical to the trademark. WIPO Overview 3.1, sec. 1.7 and 1.11.

Accordingly, Complainant has satisfied Paragraph 4(a)(i) of the Policy.

Determining Whether Respondent Lacks rights or legitimate interests in the Disputed Domain Name

To establish the second of the three elements, the Complainant must first demonstrate that Respondent lacks rights and legitimate interests in the disputed domain name. Recognizing that the proof for establishing this element is under the Respondent's control, the Complainant may satisfy this burden by offering a prima facie case based on such evidence as there is, thus shifting the burden to the Respondent to produce evidence to overcome the presumption that it lacks rights or legitimate interests in the Disputed Domain Name.

Complainant asserts that it has no business relationship with the Respondent nor has it authorized it to register and use Complainant’s trademark. The Complainant has adduced evidence based on the use of the Disputed Domain Name that Respondent is not using it for any purpose that would give rise to a defense. The Policy sets forth the following nonexclusive list of circumstances:

(i) "[B]efore any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services."
(ii) "[Y]ou (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights."
(iii) "[Y]ou are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Evidence of any one of these circumstances will satisfy the rebuttal burden, but the absence of any evidence supports a complainant's contention that the respondent lacks rights or legitimate interests in the disputed domain name. See Advanced International Marketing Corporation v. AA-1 Corp, Forum Case No. FA 780200 (finding that a complainant must offer some evidence to make its prima facie case and satisfy Policy paragraph 4(a)(ii)). The Respondent has not appeared in the summary proceeding. The failure of a party to submit evidence on facts in its possession and under its control may permit the Panel to draw an adverse inference regarding those facts. See Mary-Lynn Mondich and American Vintage Wine Biscuits, Inc. v. Shane Brown, doing business as Big Daddy's Antiques, WIPO Case No. D2000-0004.

The Panel finds that Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. See Croatia Airlines d. d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455 (Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the UDRP).

As the disputed domain name does not resolve to an active website there is no evidence that would support a use “in connection with a bona fide offering of goods or services.” Further, the Respondent cannot claim to be known by the name "LaPoste Mobile” as it has been identified by the Registrar as Clara Navara. Finally, there is no evidence of any use that would support a legitimate noncommercial or fair use of the disputed domain name. See Emerson Electric Co. v. golden humble /golden globals, FA 1787128 (Forum June 11, 2018) ("lack of evidence in the record to indicate a respondent is authorized to use [the] complainant's mark may support a finding that [the] respondent does not have rights or legitimate interests in the disputed domain name per Policy ¶ 4(c)(ii)").

As there is no evidence the contrary, the Panel finds that the Complainant has satisfied Paragraph 4(a)(ii) of the Policy.

Registration and Use in Bad faith

It is the Complainant's burden under Paragraph 4(a)(iii) of the Policy to prove that the Respondent both registered and is using the Disputed Domain Name in bad faith. It is not sufficient for a complainant to rest its case on the finding under Paragraph 4(a)(ii) of the Policy, although the fact that the Respondent lacks rights or legitimate interests in the Disputed Domain Name may be a factor in assessing its motivation for registering a domain name that is identical or confusingly similar to the Complainant's mark. WIPO Overview 3.1, sec 2.15 and sec. 3.1.1.

The Policy provides in Paragraph 4(b) a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. The preamble to this paragraph states: "For the purposes of Paragraph 4(a)(iii) [the finding of any of the circumstances] shall be evidence of the registration [...] of a domain name in bad faith." In the absence of a respondent to explain and justify its registration and use of a domain name corresponding to a famous or well-known mark, a Panel is compelled to examine the limited record for any exonerative evidence of good faith. Paragraph 4(b) provides that any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant's proof in this case focuses the Panel's attention on the fourth factor. As there is no proof that would support the other factors, the Panel will not address them. In support of its argument, Complainant contends that the Respondent has targeted the Complainant's mark for the purpose of taking advantage of it goodwill and reputation to attract Internet users to its website. This conduct "creat[es] a likelihood of confusion [...] as to the source, sponsorship, affiliation, or endorsement of [its] website". Such a strategy will initially mislead Internet users into believing that the website is associated with the Complainant. See Justice for Children v. R neetso / Robert W. O'Steen, WIPO Case No. D2004-0175 (holding that "harm results from the confusion caused by the initial attraction to the site by means of borrowing complainant's mark. And that is exactly the harm the Policy was adopted to address.")

The Panel finds that the Complainant has demonstrated that the Respondent has appropriated Complainant's well-known mark to serve an infringing purpose. See Royal Bank of Canada - Banque Royale Du Canada v. Registration Private, Domains By Proxy, LLC / Randy Cass,WIPO Case No. D2019-2803, the Panel noted: "It is clear that where the facts of the case establish that the respondent's intent in registering or acquiring a domain name was to unfairly capitalize on the complainant's [...] trademark, panels have been prepared to find the respondent acted in bad faith." Respondent intended to convey the impression that its registration and use of the disputed domain name and resolving website was endorsed by the Complainant thus, it registered <lapostemobile.xyz> in bad faith.

In advance of filing the complaint, Complainant served Respondent with a cease and desist notice which was unanswered. See Associated Newspapers Limited v. Makhdoom Babar, Mail Group, WIPO Case No. D2019-0049 (“someone using a domain name in a non-infringing manner and in furtherance of a legitimate enterprise would have responded to a cease-and-desist letter by asserting its bona fides. Respondent’s failure to do so here undermines its claim of legitimacy.”)

This unresponsiveness, in addition to the other evidence, is such that the only inference that can be drawn from the Respondent’s registration and use of the disputed domain name is that it is using it as a vehicle to do precisely what is forbidden. See Singapore Airlines Ltd. v. European Travel Network, WIPO Claim No. D2000-0641 (holding that "[t]he registration of domain names obviously relating to the Complainant is a major pointer to the Respondent's bad faith and desire to 'cash in' on the Complainant's reputation." WIPO Overview 3.1 sec. 2.5.2 "Circumstances beyond the domain name itself."

Accordingly, the Complainant has satisfied 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. **lapostemobile.xyz**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2026-09-21

Publish the Decision