Decision for dispute CAC-UDRP-109086

Case number	CAC-UDRP-109086
Time of filing	2026-10-16 09:47:19
Domain names	fermob.sbs

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	FERMOB

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Alexey Denisov

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 consisting of the word element “FERMOB”, such as:

- French trademark registration for “FERMOB” No. 3243498 of September 1, 2003;
- International trademark registration for “FERMOB” No. 829242 of March 1, 2004;
- European Union trademark registration for “FERMOB” No. 6952758 of May 22, 2008.

Furthermore, the Complainant is the owner of a domain name portfolio including the word element “FERMOB”, such as: <fermob.com>, registered since December 24, 1996.

FACTUAL BACKGROUND

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

The Complainant is a French company that designs and manufactures metal and coloured outdoor furniture since 1989.

The Complainant owns the trademark “FERMOB” registered, inter alia, in France, internationally and in the European Union, and uses, inter alia, the domain name <fermob.com> for its official website.

The disputed domain name was registered on October 14, 2026. The disputed domain name resolves to an online shop copying the Complainant's official website.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent. Taking the statements and documents submitted by the Complainant under careful consideration, the Panel concludes that the Complainant has established all the elements entitling it to claim the transfer of the disputed domain name.

I. Identical or Confusingly Similar disputed domain name

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name to be 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.

The Complainant has, to the satisfaction of the Panel, shown that it has valid trademark rights in “FERMOB”. The disputed domain name includes the Complainant's trademark in its entirety, without any addition or deletion, and is therefore identical to it. The Top-Level Domain “.SBS” is viewed as a standard registration requirement and as such is to be disregarded under the first element test . It does not change the overall impression of the designation as being connected to the trademark of the Complainant.

II. Respondent’s Rights or Legitimate Interests in the disputed domain name

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests; once such case is made, the burden shifts to the Respondent. The Complainant has established such a prima facie case, since the Respondent is not a licensee of the Complainant, is not related to it in any way, and has not been granted any permission or consent to use the trademark FERMOB in a domain name. Also, according to the Whois information, the Respondent is not commonly known by the disputed domain name.

Furthermore, the disputed domain name resolves to an online shop copying the Complainant's official website. The Respondent thereby impersonates the Complainant in order to attract users and disrupt the Complainant's business.

Such use of the disputed domain name, which is identical to the Complainant's trademark, can neither be considered a bona fide offering of goods or services nor a legitimate non-commercial or fair use.

The Respondent has not rebutted the prima facie case. The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

III. The disputed domain name has been registered and is being used in Bad Faith

The Respondent has also registered and is using the disputed domain name in bad faith within the meaning of para. 4 (a)(iii) of the Policy by intentionally attempting to attract internet users to their website by creating a likelihood of confusion with the Complainant's trademark for commercial gain.

The disputed domain name was registered on October 14, 2026, thus many years after the registration of the Complainant's FERMOB trademarks. The Complainant asserts that it has established a strong reputation while using this trademark.

In view of the distinctive character of the trademark FERMOB and the fact that the website under the disputed domain name copies the Complainant's official website, it can be inferred that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark.

By using the disputed domain name for an online shop copying the Complainant's official website, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website or of products on it within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel therefore concludes that the Respondent registered and is using the disputed domain name in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

The Respondent has not provided any evidence of actual or contemplated good faith registration or use of the disputed domain name that could refute this prima facie assessment.

Accordingly, the Panel orders that the disputed domain name <fermob.sbs> 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. **fermob.sbs**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2026-11-10

Publish the Decision