Decision for dispute CAC-UDRP-109089

Case number	CAC-UDRP-109089
Time of filing	2026-10-19 11:10:11
Domain names	passionfroid-fr.com

Case administrator

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

Complainant

Organization	POMONA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Cres Intl

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings relating to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks “PASSION FROID”, such as:

The French trademark PASSION FROID n° 3069560 registered since 7 December 2002;

The French trademark PASSION FROID n° 3146996 registered since 11 February 2002;

The French trademark POMONA PASSION FROID n° 3069561 registered since 7 December 2002.

FACTUAL BACKGROUND

Founded in 1912, Pomona (Complainant) is the leader in the distribution of delivered products intended for catering professionals and local specialist businesses in France. As a multi-specialist and with its 12,300 employees, the Complainant is organized into networks of experts in the out-of-home catering and local businesses. The eight distribution networks offer services ranging from consulting to delivery, while meeting the needs of businesses and the specific characteristics of each region.

The Complainant is a wholesaler specializing in fresh meat, dairy, and frozen products for professionals in the commercial and institutional foodservice sectors. With over 50 years of unique expertise, the Complainant offers a range of more than 4,500 items,

from appetizers to desserts, including over 100 new products each year, as well as a wide selection of regional products.

The Complainant also owns an important domain names portfolio, such as <passionfroid.fr> registered since 4 June 2004.

The disputed domain name was registered on 15 July 2026 and redirects to an inactive page. Besides, MX servers are configured.

PARTIES CONTENTIONS

COMPLAINANT

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant states that the disputed domain name is confusingly similar to its trademark “PASSION FROID” and its domain names associated, as it includes the Complainant’s trademark in its entirety.

The Complainant asserts that the addition of the term “FR”, for France, is not sufficient to escape the finding that the domain name is confusingly similar to the trademark “PASSION FROID”. It does not change the overall impression of the designation as being connected to the Complainant’s trademark “PASSION FROID”. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and the domain name associated.

Furthermore, the Complainant contends that the addition of the suffix “.COM” does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Consequently, the disputed domain name <passionfroid-fr.com> is confusingly similar to Complainant’s trademark “PASSION FROID”.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant asserts that the Respondent is not known as the disputed domain name, but as "Cres Intl". Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark “PASSION FROID” or apply for registration of the disputed domain name by the Complainant.

Besides, the disputed domain name resolves to an inactive page. The Complainant contends that Respondent did not make 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.

Thus, in accordance with the foregoing, the Complainant contends that the Respondent has no right or legitimate interest in respect of the disputed domain name.

3. The disputed domain name was registered and is being used in bad faith

The Respondent has registered the domain name, which is confusingly similar to Complainant's trademark “PASSION FROID”, many years after Complainant had established a strong reputation and goodwill in its mark.

Finally, a Google search on the expression “PASSION FROID FR” directly refers to the Complainant and its subsidiaries.

Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.

Moreover, the disputed domain name redirects to an inactive page. The Complainant contends that the Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant’s rights under trademark law. As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Finally, the domain name has been set up with MX records which suggests that it may be actively used for e-mail purposes.

On those facts, the Complainant contends that Respondent has registered the disputed domain name and is using it in bad faith.

RESPONDENT

No administratively compliant Response was filed.

RIGHTS

To the satisfaction of the Panel, the Complainant has shown that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, the Complainant has 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

To the satisfaction of the Panel, the Complainant has 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 the UDRP have been met, and there is no other reason why it would be unsuitable to provide the Decision.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar

The Complainant has established registered rights in the “PASSION FROID” trademark through French trademark registrations Nos. 3069560 and 3146996, as well as in the composite mark “POMONA PASSION FROID” through registration No. 3069561.

The disputed domain name incorporates the “PASSION FROID” trademark in its entirety. The addition of a hyphen and the letters “FR”, readily understood as an abbreviation for France, does not prevent recognition of the Complainant's mark. Indeed, given the Complainant's established presence in the French market, this addition may reinforce the impression that the domain is associated with its business. The “.com” gTLD is a technical registration requirement and is generally disregarded for purposes of this assessment.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The first element of paragraph 4(a) of the Policy is satisfied.

2. Rights or Legitimate Interests

The Complainant states that the Respondent is neither affiliated with nor authorized by it to use the “PASSION FROID” trademark. The Respondent is identified in the WhoIs records as “Cres Intl”, a designation bearing no apparent resemblance to the disputed domain name.

Furthermore, the disputed domain name resolves to an inactive webpage, and there is no evidence of any bona fide offering of goods or services, demonstrable preparations for such use, or legitimate noncommercial or fair use.

The Complainant has therefore established a prima facie case that the Respondent lacks rights or legitimate interests. The burden of production shifts accordingly to the Respondent (WIPO Overview 3.1, section 2.1). Having filed no administratively compliant Response, the Respondent has provided no evidence to rebut that case.

In the circumstances, 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 Complainant's trademark rights substantially predate the registration of the disputed domain name on July 15, 2026. Its “PASSION FROID” registrations date back to 2000 and 2002, and it has operated <passionfroid.fr> since 2004.

The disputed domain name reproduces the Complainant's trademark in its entirety, adding only the letters “FR” and a hyphen. This combination is particularly telling: “FR” identifies France and closely echoes the Complainant's existing domain name. When considered alongside the Complainant's longstanding commercial presence, the disputed domain name's composition strongly suggests the Respondent had the Complainant in mind when registering it. The Panel finds, on the balance of probabilities, that the registration was made with knowledge of and intent to target the Complainant and its trademark.

As regards use, the disputed domain name resolves to an inactive webpage. However, passive holding may constitute bad faith under the circumstances identified in section 3.3 of the WIPO Overview 3.1. In this case, the relevant circumstances include the longstanding trademark rights, the targeted composition of the disputed domain name, the Respondent's failure to provide any explanation, and the absence of evidence of any contemplated good-faith use.

The configuration of MX records provides an additional circumstance warranting attention. While it does not establish that e-mails have actually been sent or received, it indicates that the disputed domain name is configured to support e-mail functionality. Given its composition, this creates a further risk of impersonation or misleading communications involving the Complainant.

Taken together, these circumstances leave the Panel with no plausible explanation for the Respondent's registration and passive holding consistent with good faith. The Panel therefore finds 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.

4. Decision

For the reasons mentioned above and according to the provisions in Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **passionfroid-fr.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2026-11-11

Publish the Decision