

## **ADMINISTRATIVE PANEL DECISION**

AMI Paris v. Erin Grifitse

Case No. D2022-0362

### **1. The Parties**

Complainant is AMI Paris, France, represented by AB Initio, France.

Respondent is Erin Grifitse, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <amiclothingfr.shop> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 3, 2022. On February 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 3, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent and contact information in the Complaint. The Center sent an email communication to Complainant on February 4, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 8, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on February 10, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 3, 2022.







The Center appointed Clive L. Elliott Q.C. as the sole panelist in this matter on March 17, 2022. The Panel

finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

Complainant is a well-known fashion house founded in 2011 by the designer Alexandra Mattiussi, specializing in prêt-à-porter (ready to wear) and fashion accessories. It owns 20 stores in six countries and 395 other points of sale across 40 countries.

Complainant owns an extensive number of registered trade marks worldwide, all emphasizing the word AMI (“Complainant’s Marks”), including:

Mark	Jurisdiction	Registration No.	Registration Date
AMI ALEXANDRE MATTIUSSI	France	3711784	February 9, 2010
	International	1110279	December 12, 2011
	Hong Kong	303544975	March 16, 2016
AMI DE COEUR	United States of America	5,911,017	November 19, 2019
AMI PARIS	France	3797848	January 14, 2011
	France	3784266	November 19, 2010
	France	3902556	March 5, 2012
	France	3902766	March 6, 2012
	United States of America	5,619,646	December 4, 2018

Complainant is the owner of various domain names, including:

<alexandremattiussi.com>, <alexandremattiussi.fr>, <ami-alexandremattiussi.com>, <amialexandremattiussi.com>, <ami-alexandremattiussi.fr>, <ami-alexandre-mattiussi.paris>, <ami-alexandremattiussi.paris>, <amidecoeur.ed>, <amidecoeur.fr>, <amiparis.asia>, amiparis.co.uk>, and <amiparis.com> (“Complainant’s Domains”). Complainant’s website “www.amiparis.com” was registered on,

and has been used since, November 15, 2014.

According to the publicly available WhoIs the Domain Name was registered on March 25, 2021.

## 5. Parties' Contentions

### A. Complainant

Complainant asserts it has made extensive use of its AMI PARIS company name, Complainant's Marks and Complainant's Domains through its global business activity, and through the use of and promotion of its services Complainant has gained valuable reputation worldwide particularly in Europe and Asia.

Complainant contends that the Domain Name is confusingly similar to Complainant's Marks in that it contains its distinctive and dominant AMI element in its entirety with the addition of the words "clothing", which identifies the goods sold on the website, and "fr" being a reference to France, the country of origin of the products where Complainant is located.

Complainant submits that at the time of filing the Complaint, the website attached to the Domain Name had copied Complainant's website as well as its interface, using Complainant's Marks, specifically,



Screenshots taken on January 31, 2022, were provided by Complainant showing Respondent's webpage at the Domain Name and Complainant's webpage at <amiparis.com> showing comparisons and use of Complainant's Marks on Respondent's webpage. Complainant submits that Respondent is masquerading as Complainant or an entity connected to Complainant in order to mislead consumers into buying products from Respondent's website at the Domain Name.

Complainant further states that Respondent's website also sells clothing and fashion accessories bearing Complainant's Marks, thereby misleading consumers into believing the website belongs to, or is connected with, Complainant and its business.

Complainant asserts that through its global business activity and the use of Complainant's Marks and Complainant's Domains it has gained a valuable reputation worldwide, particularly in Europe and Asia. Complainant further asserts that Respondent has registered the Domain Name with the intention of profiting at the expense of Complainant by misleading the public on the origin of the goods and benefitting from Complainant's goodwill and reputation.

Complainant asserts that Respondent is not affiliated with Complainant nor has it been authorized to use Complainant's Marks. It further considers that Respondent has registered and is using the Domain Name in bad faith.

### B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

Complainant is a French fashion house. It was set up in 2011 by Alexandra Mattiussi and specialises in ready-to-wear garments and fashion accessories. Complainant operates 20 stores in six countries and 395 points of sale in 40 countries. Complainant has used and registered a number of trade marks, in which the prominent part is "AMI".

Complainant has demonstrated it has rights in Complainant's Mark. The Domain Name is confusingly similar to Complainant's Mark. That is, on the basis that the dominant element of Complainant's Mark "AMI" is reproduced in the Domain Name, with the addition of the word "clothing" and the letters "fr" being a reference to or well-known abbreviation of France, the country in which Complainant is situated and is most closely associated.

The addition of the word "clothing" along with the letters "fr" does nothing material to detract from the fact that the dominant feature of Complainant's Mark is clearly recognizable in the Domain Name. The Panel is therefore satisfied that the Domain Name is confusingly similar to Complainant's Mark.

Accordingly, the first ground under the Policy is made out.

### **B. Rights or Legitimate Interests**

In essence, Complainant's assertion is that Respondent is neither affiliated with Complainant nor has been authorized to register or use the Domain Name which is confusingly similar to Complainant's Marks. Complainant submits that Respondent has copied Complainant's website as well as its interface. Further, it is alleged that Respondent has used certain of Complainant's Marks. Further, Complainant asserts that Respondent is holding itself out as Complainant or an entity connected to Complainant, in order to mislead consumers into buying products from Respondent's website.

These allegations place an onus on Respondent to deny or refute such allegations. Respondent has chosen to not avail itself of the opportunity to do so. Accordingly, the Panel finds that Respondent has no rights or legitimate interests in the Domain Name and that Respondent is using the Domain Name to wrongly associate itself with Complainant.

On that basis, the Panel finds that Respondent has no rights or legitimate interests in the Domain Name and that the Domain Name was not registered and has not been used for any legitimate or fair purpose.

Accordingly, the second ground under the Policy is made out.

### **C. Registered and Used in Bad Faith**

As noted above, the Panel has found that Respondent has used certain of Complainant's Marks and is holding itself out as Complainant or an entity connected to Complainant. Complainant has established it has a reputation and protectable trade mark rights. Given this, the Panel infers that Respondent must have had prior knowledge of Complainant's Mark at the time of registration of the Domain Name. Further, given that Respondent appears to have used Complainant's Mark to sell competing goods permits the inference to be drawn that these steps were taken with knowledge of Complainant's rights in Complainant's Mark.

The Panel therefore concludes that the Domain Name was registered and used for the purpose of taking advantage of Complainant's reputation in Complainant's Mark to mislead customers and potential customers and that such conduct amounts to bad faith under the Policy.

Accordingly, the third ground under the Policy is made out.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <amiclothingfr.shop> be transferred to Complainant.

*/Clive L. Elliott Q.C./*

**Clive L. Elliott Q.C.**

Sole Panelist

Date: March 29, 2022