

ADMINISTRATIVE PANEL DECISION

HUMEAU BEAUPREAU v. Client Care, Web Commerce Communications Limited

Case No. D2024-2567

1. The Parties

The Complainant is HUMEAU BEAUPREAU, France, represented by Casalonga Avocats, France.

The Respondent is Client Care, Web Commerce Communications Limited, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <medusefrance.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 24, 2024. On June 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 26, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name, which differed from the named Respondent (Anonymous third party) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 28, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on July 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 23, 2024.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on July 30, 2024. 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

The Complainant is a simplified joint-stock company (Société par actions simplifiée) registered and headquartered in France. As documented in the Complaint and its annexes the primary business of the Complainant is the manufacture and marketing of footwear, notably of plastic (PVC) sandals (*espadrilles*) and the like. The Complainant was founded in 1905 and currently employs more than 200 persons in France and elsewhere; the Complainant reports that it sells more than 2.3 million pairs of shoes a year. A well-known model of injected plastic sandals manufactured by the Complainant is sold under the brand name Méduse; some 700,000 Méduse sandals were sold in 2023.

The Complainant has registered numerous trade and service marks for its MEDUSE brand; these include:

- French word trademark MEDUSE No. 3303805, filed on July 19, 2004 and registered on August 27, 2024, in classes 18, 25, and 28;
- International word trademark MEDUSE No. 1115451, filed and registered on March 19, 2012, in classes 18, 25, and 28. This trademark designates the following jurisdictions: Algeria, China, Switzerland, European Union, Japan, Morocco, Norway and
- A number of European Union trademarks for MEDUSE in stylised script with a logo.

The Complainant further reports and documents that it promotes its MEDUSE brand extensively, including through a significant presence on the Internet and in social media; as part of this promotion the Complainant registered the domain name <meduse.com> on March 27, 1996, of which the website is active in promoting the Complainant's business.

Little is known about the Respondent, which appears to be an enterprise of some genre in Malaysia but which has failed to answer the Complaint or otherwise identify itself.

The disputed domain name was registered on April 26, 2024; it does not currently resolve to an active site. However, as evidenced by the Complainant, it used to resolve to a website seemingly imitating the Complainant's website.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that; the disputed domain name is confusingly similar and substantially identical to its trademarks; that it has no relationship with the Respondent who has no permission to use the Complainant's trademarks or right or any valid interest in doing so; and that the disputed domain name can only have been registered in bad faith with knowledge of the Complainant's rights, and was subsequently used in bad faith to direct Internet users to a website selling counterfeit MEDUSE shoes in wrongful imitation of the Complainant's legitimate online site.

The Complainant has sent notifications via the Registrar demanding the removal of all material or content that reproduces its trademark or infringes on its intellectual property rights, but received no reply.

The facts alleged by the Complainant will be further discussed below as necessary and pertinent.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name begins with and recites the entirety of the Complainant's trademark. The addition of the suffix "france" does not render the Complainant's trademark unrecognisable or otherwise prevent a finding of confusing similarity, and this suffix may be indicia of bad faith as discussed in connection with the third element below. Accordingly, the disputed domain name is here determined to be confusingly similar to the Complainant's trademark for the purposes of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel thus finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant makes clear that the Respondent is not licensed, sponsored by or in any way affiliated with the Complainant and that it has no knowledge or belief that the Respondent has any rights or legitimate interests in the disputed domain name.

It is furthermore obvious that the Respondent is not known by the name "Médusefrance."

Nothing in the file of this matter gives any indication that the Respondent has used the disputed domain name in connection with a bona fide offering of goods and services or that there is any legitimate noncommercial or fair use of the Complainant's trademark, and the Complainant; to the contrary there is evidence of illegitimate and wrongful use, as discussed below.

It is long accepted in UDRP case law and jurisprudence that a complainant needs only to demonstrate at least a prima facie case that the respondent has no rights or legitimate interests in respect of the disputed domain name. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Where such a prima facie case is made, the burden of production shifts to the respondent to demonstrate that it has rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. See also, *Meizu Technology Co., Ltd. v. "osama bin laden"*, WIPO Case No. [DCO2014-0002](#); *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsaya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#).

In the instant case the Respondent has not answered the Complaint and the Complainant has established at least such a prima facie case; the Complainant has therefore met its burden of proof under paragraph 4(a)(ii) of the Policy.

In addition, panels have categorically held that the use of a domain name for illegal activity (e.g. impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13. Here, the Panel finds that the disputed domain name resolved to a website impersonating the Complainant's own website.

The Panel accordingly finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant has established that its MEDUSE brand and trademark is well known and has been extensively marketed by the Complainant. The addition of the word “France” to the disputed domain name, while not diminishing confusing similarity, as found above, but rather suggests an association with the Complainant, which is a French company whose largest sales are in France. While the word “méduse” does have an ordinary meaning in French (“jelly fish”) there is no suggestion in this case that the Respondent was registering the disputed domain name based on that French-language meaning or for any good faith purpose. In sum, it appears that the choice of the disputed domain name was not serendipitous; it was registered with a bad faith intent to cause confusion with the Complainant’s trademarks and business.

This finding is confirmed by the evidence of the actual use that the Respondent made of the disputed domain name. The disputed domain name was used to redirect Internet users to a site selling apparently counterfeit products and reproducing the Complainant’s MEDUSE trademark and logo. This is clear bad faith use and further demonstrates that the disputed domain name cannot have been registered in good faith.

The Complainant further submits evidence that suggests that the Respondent has previously and repeatedly engaged in a pattern of appropriating well-known trademarks for the purpose of illegitimately redirecting traffic of Internet users for the Respondent’s interest or profit.

The Respondent’s failure to answer the Complainant’s demand letters or the Complaint in this matter are here further indicia of bad faith on its part.

The Panel therefore finds that the Complainant has established the third element of the Policy.

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 disputed domain name <medusefrance.com> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: August 13, 2024