

ADMINISTRATIVE PANEL DECISION

PROMOGIM GROUPE v. mehmet sahin

Case No. D2024-5149

1. The Parties

The Complainant is PROMOGIM GROUPE, France, represented by Coblence Avocats, France.

The Respondent is mehmet sahin, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <franco-suisse.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 14, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 16, 2024, 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 amendment to the Complaint on December 17, 2024.

The Center verified that the Complaint together with the amendment to the 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 December 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2025. The Respondent sent email communications to the Center on December 19 and 23, 2024, and on January 12, 14, 15, 22, and 29, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on January 22, 2025. 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 French simplified joint stock company (Société par Actions Simplifiée), registered in the Nanterre Trade and Companies Register under number 339715336. The registration date of the current entity is December 29, 1986, although the Complainant states that it was founded over 50 years ago. According to the Complaint, the Complainant is involved in the property development and construction sector, notably in the construction of real estate complexes for residential use, commercial or professional premises, offices, subdivisions, development, and renovation, as well as sale of these complexes, and all related activities in the real estate sector.

The Complainant is the owner of International Registered Trademark Number 1716662 for the word mark FRANCO SUISSE 2 LACS, registered on October 3, 2022, in Classes 35, 36, 37, and 42, noting that this mark is recorded as containing the disclaimer of the mark as a whole, presumably to avoid provisional refusals from members that may require such disclaimer to be included in the International Register. Said mark is itself based upon French Registered Trademark Number 4863018, registered on April 21, 2022.

The Complainant is also the owner of French Registered Trademark Number 3056978 for a semi-figurative mark consisting of the words FRANCO SUISSE in a serif-style white typeface against a black background, in which the word FRANCO is placed above the word SUISSE, registered on March 16, 2001, in Classes 35, 36, and 37. Finally, the Complainant is the owner of French Registered Trademark Number 3972653 for a semi-figurative mark consisting of the words FRANCO SUISSE in a serif-style white typeface against a red background, in which the word FRANCO is placed above the word SUISSE, registered on December 26, 2012, in Classes 35, 36, 37, and 42.

The Complainant notes that it owns multiple domain names containing the words “franco” and “suisse”, both hyphenated and non-hyphenated. The earliest of these appears to be <francosuisse.fr>, registered on May 5, 2005.

The disputed domain name was registered on November 13, 2024. According to the Complainant's screenshot dated December 3, 2024, the disputed domain name points to a website provided by the Registrar on which it is offered for sale in the sum of EUR 2,856.97. A further screenshot apparently dated December 2, 2024, shows the website as one provided by the Registrar on which pay-per-click (“PPC”) advertising is shown. The advertising links are “Real Estate Investment”, “Affordable Home Warranty”, and “What is Ai Agents”. The Panel visited the said website on January 23, 2025, at which point it was displaying the offer for sale rather than the PPC advertising, and the Panel noted that the proposed price was geo-targeted to the Panel's location, being GBP 2,436.30. Little is known about the Respondent, which has not filed a formal Response. It appears to be a private individual based in Türkiye.

The Respondent has been involved in four previous cases under the Policy, all of them within about the last two years, in respect of each of which a finding of registration and use in bad faith was made. The cases are:

Travellers Exchange Corporation Limited v. mehmet sahin, and Ali Sahin, WIPO Case No. [D2023-0947](#), <travelexmoney.com>, and <travelexsucks.com>, transfer, May 8, 2023.

International Business Machines Corporation (IBM) v. mehmet sahin, WIPO Case No. [D2023-2238](#), <ibmcs.com>, transfer, August 21, 2023.

Sodexo v. Mehmet Sahin, WIPO Case No. [D2024-1468](#), <sodexopay.com>, transfer, July 1, 2024.

Kaizen Gaming International Limited v. Mehmet Sahin, WIPO Case No. [D2024-2502](#), <betano.news>, transfer, August 12, 2024.

If it does respond to complaints made under the Policy, the Respondent has tended to submit informal responses, the general tenor of which has been that the Respondent registers domains which have “potential” and does not like or use PPC advertising. The Respondent says that it has asked its Registrar not to use PPC advertising but cannot prevent this without creating a “clean” landing page, which would only result in the removal of the advertisements. On at least one occasion, the Respondent has offered to transfer the domain name concerned to the complainant.

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 there is confusing similarity between its FRANCO SUISSE 2 LACS registered trademark and the disputed domain name, noting that the latter features the FRANCO SUISSE element in the same order, and adding that the deletion of the 2 LACS element is not noticeable, and adding that the addition of a hyphen is not of significance.

The Complainant submits that the Respondent has no rights in the term “franco-suisse” and therefore has no rights in the disputed domain name, adding that the Respondent is not affiliated with, licensed, or authorized by the Complainant to use its prior trademarks including in the disputed domain name, and that the Complainant does not know the Respondent and has no relationship with it.

The Complainant asserts that it cannot result from a simple coincidence that the Respondent chose a domain name that is highly similar to the Complainant’s intangible rights, adding that the reproduction of the Complainant’s trademarks reveals a malicious intention to take advantage of such. The Complainant asserts that the page offering the disputed domain name for sale is not evidence of a bona fide offering of goods or services, and it appears that the Respondent intends to take advantage of the use of the disputed domain name, which has a confusing resemblance to the Complainant’s trademarks. The Complainant notes that this is a commercial use, such that the Respondent is not making a legitimate noncommercial use of the disputed domain name.

The Complainant submits that bad faith can be established if the Respondent knew or should have known of the Complainant’s trademark rights and nevertheless registered the disputed domain name in which it had no rights or legitimate interests. The Complainant asserts that the Respondent could not have been unaware of the Complainant’s prior rights when it registered the disputed domain name, the only use of which has been to offer it for sale. Finally, the Complainant submits that the Respondent deliberately registered a quasi-identical domain name with the intent to divert Internet users from the Complainant’s website to the Respondent’s page, and has offered it for sale, which, under the circumstances of the case, points to bad faith.

B. Respondent

The Respondent did not issue a formal Response to the Complainant’s contentions. However, as noted above, the Respondent sent a considerable number of informal emails to the Center, from which its defense can be deduced. In essence, the Respondent states that the disputed domain name is “generic” and it has a right to sell it. For example, the Respondent says that Google Translate in several languages renders the disputed domain name as meaning “Swiss Franc”, the currency (CHF) in Switzerland. The Panel did not consider those informal emails sent by the Respondent which post-dated the deadline for the filing of a Response.

It follows that the Respondent is submitting that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The textual elements of the Complainant's semi-figurative marks are closest in appearance to the disputed domain name, and the Panel has, for convenience, used these for the comparison exercise. The marks concerned are each figurative marks consisting of the words FRANCO SUISSE in a stylized typeface. The Panel considers that the word element of said marks is readily excisable from the design elements (a red colored and a black background respectively) for the purposes of comparison with the disputed domain name. [WIPO Overview 3.0](#), section 1.10. Upon such comparison, it may be seen that the wording is identical but is separated by a hyphen in the disputed domain name. The hyphen is a punctuation mark, and is of no significance for the purposes of the first element, although as discussed below, it may have another significance in this particular case. The Top-Level Domain ("TLD") of the disputed domain name may also be discounted for comparison purposes. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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

B. Rights or Legitimate Interests

The requirements of paragraph 4(a) of the Policy are conjunctive. A consequence of this is that failure on the part of a complainant to demonstrate one element of the Policy will result in failure of the complaint in its entirety. Accordingly, in light of the Panel's findings in connection with the third element under the Policy, no good purpose would be served by addressing the issue of the Respondent's rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent asserts that it has registered the disputed domain name on the basis that this incorporates a "generic" term which it has offered for sale. It follows that the Respondent's position is that it had no intention to target the Complainant's mark. Key to the Respondent's case is its assertion that Google Translate shows the disputed domain name's elements being translated into something resembling "Swiss Franc". As the Respondent did not provide screenshots of its alleged Google Translate results, the Panel attempted to reproduce these without success, at least as far as the reference to the Swiss currency is concerned. For example, CHF in the French language translates as "Franc Suisse", not "Franco-Suisse".

However, the Panel did note that “Franco-Suisse” translates from French to English as “Franco-Swiss”. This alerted the Panel to the possibility that the alleged “generic” nature of the term, by which the Panel thinks the Respondent really means “dictionary word” nature rather than “generic” as such (see the discussion in the first paragraph of [WIPO Overview 3.0](#), section 2.10) might be in the French language. The Panel, recalling that the word “Suisse” is the French word for Switzerland (usually with the definite article), considered it likely that the term in the disputed domain name would be similar to the English usage of the adjective “Franco-Swiss”, for example to reference “the Franco-Swiss border”. In that sense, the “Franco” element would be a prefix, as shown by the presence of the hyphen.

In all of these circumstances, the Panel considered it appropriate to review online French dictionaries for the prefix “franco”. The Panel consulted both the LAROUSSE Dictionnaire de Français and the Dictionnaire de l’Académie française, 9e édition. On the subject of the Panel consulting dictionaries in this way, see [WIPO Overview 3.0](#), section 4.8. As the information in the dictionary may be assumed to be public knowledge, the Panel did not refer its findings back to the Parties.

Both of said dictionaries confirmed the Panel’s suspicions that the term “Franco”, usually or mainly with a hyphen, is used as a compositional element in the French language to designate matters of interest to both France and another nation or another people. The usage examples given within the LAROUSSE Dictionnaire de Français entry are: “Traité francocanadien. Les Franco-Canadiens.” The usage examples given within the Dictionnaire de l’Académie française are: “L’entente franco-allemande. Les accords franco-russes”. Briefly looking wider than the dictionary, the Panel sees, for example, a 2023 Communiqué from the Swiss Government entitled “Accord franco-suisse sur la régularisation du lac Léman”, suggesting that the particular term in the disputed domain name is in normal use for the purpose described in the dictionary.

The fact that the disputed domain name is a dictionary term or phrase does not, however, establish on its own that the Respondent had no intention to target the Complainant’s mark. That said, the Panel has no information on the present record that might suggest that any knowledge and awareness of the Complainant’s mark would necessarily have reached the Respondent in Türkiye (as opposed to the dictionary term which the Respondent hints at by its reference to a “generic” meaning). The Respondent has recently been found to have targeted the trademarks of third parties in no less than four recent cases under the Policy, but the Panel is not inclined to condemn the Respondent’s registration and use of the disputed domain name in the present case on that basis alone, particularly as the reputation of the Complainant’s marks appears to be limited to its line of business,¹ and there is no evidence before the Panel that would indicate that the trademark meaning of FRANCO SUISSE had impacted its significance as a dictionary word at the point when the disputed domain name was registered. Furthermore, the official reference in 2023 to an “Accord franco-suisse” discussed above, being in the relatively recent past, strongly suggests otherwise.

The following points may also be of some significance as matters in the Respondent’s favor. First, the Panel notes the presence of the hyphen in the disputed domain name and not in the Complainant’s trademark, particularly given the fact that the dictionary usage of the term “Franco-Suisse” (whether capitalized or not) seems to be most commonly, albeit not exclusively, used with the hyphen. Secondly, the Complainant’s word mark includes the element “2 LACS” that is not present in the disputed domain name nor the corresponding website, which if present would probably have indicated targeting, and which would make no sense in connection with the alleged dictionary meaning. Thirdly, it cannot be overlooked that those of the Complainant’s trademarks that are closest to the disputed domain name are figurative in nature, meaning that the protectable element is the mark as expressed with the graphical element rather than the words on their own. This does not suggest that the Complainant’s mark is likely to be strongly indicated by the phrase “Franco-Suisse” on its own or that the mark is distinctive in the absence of its graphical element.

¹ The Panel notes in particular that the evidence of the Complainant’s reputation and the reach of its trademarks as submitted by the Complainant was restricted to the Complainant’s two self-published websites at “[www.franco-suisse.fr](#)” and “[www.promogim.fr](#)”, which were not accompanied by any independently derived material.

A point potentially against the Respondent is the presence on the Complainant's earliest screenshot of the website associated with the disputed domain name showing PPC advertising that appears to target the Complainant's line of business. However, assuming the date of the screenshot is accurate, the PPC was present on December 2, 2024, a matter of days after the registration date of the disputed domain name. By the following day, the screenshot shows that the PPC use had ceased and that the present use whereby the disputed domain name was offered for sale had begun. Importantly, this new use was not a response to the Complainant's cease and desist letter of December 3, 2024, because the URL referenced in that letter, and the mention of the offer for sale of the disputed domain name, show that the present use had already commenced before the letter was sent.

In these circumstances, the Panel is inclined to view the PPC use as merely temporary stemming from a Registrar-provided parking page that was displayed immediately after the disputed domain name was registered and before the Respondent could attend to it. While the Respondent remains responsible for third-party generated material appearing at the disputed domain name ([WIPO Overview 3.0](#), section 3.5), the Panel does not consider in the specific circumstances of the present case that this is necessarily indicative of the Respondent's intent to target the Complainant's trademark. However, if such targeted PPC use or other indicia showing an intent to target the Complainant were to resume on more than a temporary basis, that might give rise to grounds in respect of which the Complainant could refile the Complaint (for a fuller discussion on refiling, see [WIPO Overview 3.0](#), section 4.18).

Taking all of the above matters into consideration, the Panel has reached the conclusion that the Complainant has not demonstrated on the balance of probabilities that the disputed domain name was registered and used in bad faith.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: February 4, 2025