

ADMINISTRATIVE PANEL DECISION

Television Francaise 1 v. lin yanxiao
Case No. D2022-2925

1. The Parties

The Complainant is Television Francaise 1, France, represented by AARPI Scan Avocats, France.

The Respondent is lin yanxiao, China.

2. The Domain Name and Registrar

The disputed domain name <tf1plus.com> (the “Domain Name”) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 8, 2022. On August 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 10, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on August 10, 2022, 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 August 10, 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 the Respondent of the Complaint, and the proceedings commenced on August 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 1, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 5, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant, Television Francaise 1, is known as TF1. It was founded in 1974 and operates the oldest television channel in France. TF1 is one of the most watched television channel in Europe. The Complainant has developed digital services on its online platforms, notably "MYTF1", allowing access to replays as well as video-on-demand services.

The Complainant holds many trademarks consisting or including the wording TF1 in France and abroad, for example the International Registration No. 556537, registered on July 30, 1990. The Complainant has used its TF1 trademarks to promote its activities for many years and they have been subject of several articles in the media. The Complainant has received numerous awards. The TF1 trademarks are used on the Complainant's websites. The Complainant also holds several domain names, such as <tf1.com> and <tf1.fr>.

The Domain Name was registered on July 3, 2021. Currently it redirects to a parking page containing sponsored links related to the Complainant core business, including a link promoting one of the main competitors of the Complainant. Moreover, the Domain Name is listed for sale for USD 1,400.

5. Parties' Contentions

A. Complainant

The Complainant argues that its TF1 trademarks have a strong reputation and provides evidence of trademark registrations. The Complainant argues that the Domain Name is confusingly similar to the Complainant's trademarks, because the Domain Name incorporates the TF1 trademark entirely, with the mere addition of the term "plus". The addition merely increases the likelihood of confusion.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent is not in any way related to the Complainant's business. The use of a domain name in order to support a parking page can never confer rights or legitimate interests on a respondent. The Domain Name has been put on sale by the Respondent and has never been used legitimately.

The Complainant argues bad faith registration and use. The Complainant's prior trademarks were registered and used in France and abroad many years before the Domain Name was registered. The Respondent could not ignore the Complainant's prior rights in view of its reputation and the distinctive character of its trademarks. The mere absence of any right or legitimate interest of the Respondent in the Domain Name demonstrates that the Domain Name has not been registered or used in good faith. The Domain Name has been put on sale by the Respondent and has never been used legitimately before. The use of the Domain Name to redirect to a parking page containing sponsored links directly related to the Complainant's business confirms that the Respondent is acting in bad faith. Also, the Respondent is used to registering domain names in a fraudulent manner as it has already been the respondent of prior 22 UDRP complaints, all of which resulted in the transfer of the domain names in question.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark TF1. The test for confusing similarity involves a comparison between the trademarks and the Domain Name. The Domain Name incorporates the

Complainant's trademark, with the minor addition of "plus". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level-Domains ("gTLDs"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

As stated in [WIPO Overview 3.0](#), section 2.1, "while the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element".

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent's use is, as explained below, evidence of bad faith.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Based on the fame of the Complainant's trademark and the Respondent's use of the Domain Name, the Panel finds that the Respondent most likely was aware of the Complainant and its trademark when the Respondent registered the Domain Name.

The Respondent appears to have used the Domain Name to attract for commercial or other gain, users to its website or other online location, by creating a likelihood of confusion with the Complainant's trademark. The Domain Name has been offered for sale and has been used to redirect to a parking page containing sponsored links, including a link promoting one of the main competitors of the Complainant.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <tf1plus.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: September 19, 2022