

ADMINISTRATIVE PANEL DECISION

Les Editions Jalou v. D V
Case No. D2022-4663

1. The Parties

The Complainant is Les Editions Jalou, France, represented by Clifford Chance, Hong Kong, China.

The Respondent is D V, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <lofficielmontecarlo.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 6, 2022. On December 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 6, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on December 8, 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 December 13, 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 December 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2023.

On January 8, 2023, the Center received two emails from a Mr. Dmitri Vorontsov using the email account the Registrar had confirmed is the email address for the Respondent.

In the first of the two emails, Mr. Vorontsov purported to submit a form “updating” the holder of the disputed domain name to Luxury Village LLC. In the second email, Mr. Vorontsov requested that the Response due date be extended. On January 9, 2023, the Center granted the automatic four calendar day extension for Response under paragraph 5(b) of the Rules. The Response due date was extended to January 13, 2023.

A Response was filed with the Center on January 13, 2023. On January 20, 2023, the Center received supplemental filings from the Complainant and, in answer, Luxury Village LLC / Mr. Vorontsov.

The Center appointed Rothnie, Warwick A. as the sole panelist in this matter on February 3, 2023. 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.

The Response has been submitted in the name of Luxury Village LLC. It was submitted and the subsequent supplemental filing was also submitted by Mr. Vorontsov, using the email address identified by the Registrar as email the contact for the holder of the disputed domain name.

Neither the Response nor the supplemental filing explained how the disputed domain name came to be registered in the name identified by the Registrar, what that person’s relationship, if any, is to Luxury Village LLC or how and when that person transferred, or purported to transfer, the disputed domain name to Luxury Village LLC. In light of these matters, the Complainant objected to the admissibility of both the Response and the supplemental filing made through Mr. Vorontsov.

Accordingly, the Panel issued Administrative Panel Order No. 1 pursuant to paragraphs 10 and 12 of the Rules on February 28, 2023, inviting the Respondent to address these matters in a supplemental filing by March 3, 2023 and, if that invitation was acted upon, permitting the Complainant to make a further supplemental filing in reply (if it was so advised) by March 10, 2023. In the event, supplemental filings were received from both parties on, respectively March 3, 2023 and March 10, 2023.

On March 15, 2023, the Center received a further, unsolicited supplemental filing from the Respondent. The Complainant filed a supplemental filing in response on March 16, 2023. The Respondent’s further supplemental filing in response was received on March 17, 2023.

4. Factual Background

The Complainant has its headquarters in Paris, France. It publishes what it describes as various high-quality fashion magazines in France and a number of other countries. One of its publications is a French fashion and lifestyle magazine which it publishes under the name L’Officiel. While the Complainant was first incorporated in 1984, according to the Complaint, the publication of the L’Officiel magazine was first begun by the Complainant’s predecessors, the Jalou family, in 1921.

According to the Complaint, the French version of L’Officiel or local language versions are made available in France, the United States, China, the United Kingdom, Singapore, Malaysia, the “Middle East”, and Liechtenstein.

The Complainant makes its magazine, or the local version, available from a number of websites including “www.lofficiel.com” (in French), “www.lofficielusa.com”, “www.lofficielsingapore.com”, “www.lofficielmalaysia.com”, “lofficielarabia.com”, “www.lofficielkorea.com”, “lofficielthailand.com”, “www.lofficielph.com”, “www.lofficiel.co.uk”, and “www.lofficielitalia.com”.

According to the Complaint, the local Monaco edition of the Complainant’s L’Officiel magazine has been published since September 2020.

The Complaint includes evidence that the Complainant owns numerous registered trademarks for L'OFFICIEL or L'OFFICIEL HOMMES. In the European Union, the Complainant has two registered trademarks:

- (a) European Union Trade Mark (EUTM) No. 018453442, L'OFFICIEL, which was filed on April 16, 2021, and registered on August 26, 2021, in respect of a range of goods and services in International Classes 9, 16, 35, and 41; and
- (b) EUTM No. 018451690, for a figurative version of L'OFFICIEL (in the Didot font), which was filed on April 13, 2021, and registered on August 31, 2021, in respect of a range of goods and services in International Classes 9, 16, 35, and 41.

The Complaint includes evidence of registrations of one or the other version of these two trademarks in China, Turkey, and Viet Nam. The registration in China dates from 2016 and the registration in Viet Nam from 2017. There are also International Registrations for L'OFFICIEL HOMMES and OFFICIEL HOMMES, respectively, Registration No. 958501, which was registered on March 7, 2008; and Registration No. 816419, which was registered on November 4, 2003.

In 2014 and 2016, the Complainant granted licences to, first, Cielo Publishing Pty Ltd and, then, Perpetual Eight Group Pty Ltd (Perpetual Eight) to publish an Australian version of the Complainant's French L'Officiel magazine.

Mr. Dmitri Vorontsov was a director of both companies.

The licence to Perpetual Eight came to an end in July 2019, when that company was deregistered.

The disputed domain name was registered on November 8, 2020.

It resolves to a website featuring interviews and photoshoots with a range of actors, directors, and other celebrities. When the Complaint was filed, the landing page featured the words "L'Officiel Fashion Book Monte Carlo TM" at the top in small type. As presented in the print-out included in the Annexures, the page then contained a video, or a YouTube video, "play" button and the Headline "Welcome to Monte Carlo".

It appears from viewing the landing page in the course of preparing the decision, that the video not captured in the print-out features various celebrities (who feature in the interviews) speaking short introductory statements. Superimposed over these, in the center of the screen appeared the headline:

L'OFFICIEL
FASHION MONTE CARLO
BOOK

These words are presented in essentially the same way as Luxury Village LLC's registered trademarks shown below so that the right hand end of "Monte Carlo" aligns with the right hand end of "L'Officiel" on the same line as the word "Fashion". The word "L'Officiel" appears to be presented in the same font as used by the Complainant on its magazines and in the Didot font version of its registered trademark.

The footer of the webpage displayed the registered trademark shown below with the words "Monte Carlo" to the right of the word "Fashion" but in very small type. Underneath the trademark appeared the statement "L'Officiel Fashion Book Monte Carlo and L'Officiel Fashion Book Hommes Monte Carlo are Registered Trademarks. All Rights Reserved". After the Complaint was filed, the name of "Luxury Village LLC" has been added to this statement immediately before "All Rights Reserved".

According to the Complaint, the website also contained links to Facebook and Instagram pages for "lofficielmontecarlo". The Instagram page includes links to the celebrity interviews with images of the celebrity superimposed over representations of the trademark below (also featuring the words "Monte Carlo")

and a link to a “Linktree” page. As well as links back to the website, the “Linktree” page includes a link to “L’Officiel Australia” at “www.lofficiel.com.au”.

Luxury Village LLC owns registered trademarks for:



One registration is in Monaco, Trademark Registration No. 20.00338, which was filed on July 27, 2020, and registered on August 28, 2020. Another registration is in the European Union, EUTM No. 018449691, which was filed on April 9, 2021, and registered on August 14, 2021. Both trademarks are registered in respect of a range of goods and services in International Classes 9, 16, 35, 38, 41, 42, and 45. EUTM No. 018449691, claimed priority from a second trademark registered in Monaco by Luxury Village LLC, Monaco Trademark Registration No. 20.00504, which was filed on October 29, 2020, and registered on November 30, 2020.

The registrations of the trademarks in Monaco listed Luxury Village LLC’s address as being in Delaware in the United States. The EUTMs list Luxury Village LLC’s address as being in New York.

Luxury Village LLC also filed (at least) two other trademark applications in Monaco on October 29, 2020, Application Nos. 36470 and 36471. These applications received objections during examination on the grounds that they were not distinctive and were misleading. The objection that the trademarks were misleading was on the basis that the use of the term “l’officiel” indicated the product has an official origin or had some authorization from the Monegasque State. (The Respondent does not appear to claim either of these marks has been registered.)

On January 23, 2023, an Administrative Panel ordered that the domain name <lofficiel.com.au> be transferred to the Complainant. See *Les Editions Jalou v. Australian Venture International Traders Pty. Ltd*, WIPO Case No. [DAU2022-0038](#).

According to the Complainant, the Registrar Verification Response had identified the registrant of the domain name <lofficiel.com.au> as Australian Venture International Traders Pty. Ltd, with an address in Australia.

Despite the transfer order made by the panel in *Les Editions Jalou v. Australian Venture International Traders Pty. Ltd, supra*, the domain name <lofficiel.com.au> still resolves to a website featuring a trademark the same as the L’OFFICIEL FASHION BOOK registered trademark identified above and content involving interviews with celebrities corresponding to those on the website to which the disputed domain name resolves. As neither party has explained the circumstances, the Panel assumes the decision in the prior proceeding may be being litigated in court. See e.g., “.au” Dispute Resolution Policy (auDRP) (2016-01) paragraph 7.2. Given the content of the website, the Panel proceeds on the basis that it is not licensed by, or associated with, the Complainant.

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainant must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

A. Admissibility of Supplemental Filings

Apart from documents requested by the Panel pursuant to paragraph 12 of the Rules, neither the Policy nor the Rules expressly provide for supplemental filings. Their admissibility is therefore in the discretion of the Panel bearing in mind the requirements under paragraph 10 of the Rules to ensure that the proceeding is conducted with due expedition and both Parties are treated equally, with each Party being given a fair opportunity to present its case.

Where unsolicited supplemental filings are admitted, it is usually because the material corrects some error or addresses something raised in a Response which could not reasonably have been anticipated or which was not otherwise appropriate to deal with until a respondent's position on a particular point was clear.

As the Response is in the name of Luxury Village LLC, which is not the Respondent identified by the Registrar, and advances a case of entitlement invoking that company's trademark rights, the Panel admits the Complainant's first supplemental filing in the exercise of the Panel's discretion under paragraph 10 of the Rules.

The first supplemental filing filed by the Respondent briefly contests a number of factual matters raised in the Complainant's supplemental filing for the first time but also foreshadowed that there were other matters it required more time to deal with. In these circumstances, the Panel accepted that supplemental filing and issued an Administrative Panel Order.

The Parties' second supplemental filings have been filed pursuant to the exercise of the Panel's powers under paragraph 12 of the Rules. Accordingly, the Panel admits them both into the record as well.

It is arguable that at least some of the material on the unsolicited supplemental filings received on March 15 and March 16, 2023 could have, and should have, been included in the earlier filings. Other material, however, arguably could not. For example, the Complainant's supplemental filing provides information about the significance of some services itemized on the receipt from Harvard Business Services Inc., included in material first disclosed in the Respondent's supplemental filing on March 15, 2023. In the interests of ensuring that the decision is made on the best available information, however, the Panel will accept both and refer to matters raised in them to the extent the Panel considers relevant.

The Respondent's supplemental filing on March 17, 2023 was received on the date for the Panel's decision. It is far too late. The Respondent has had more than ample opportunity to make his case. For that reason alone, the Panel would reject the supplemental filing.

In any event, the Respondent's evidence that "l'officiel" is an ordinary French word is merely repetition of a point already made.

The failure of either party to disclose the dispute over the ".au" domain name until the Complainant's first supplemental filing is a serious matter. Even now, the Parties have not been fully transparent about that subject. In some circumstances, the Complainant's failure to disclose the matter could have misled the Panel. For the reasons given below, however, the Panel concludes that in this particular case the decision on the ".au" domain name is not relevant to the determination of this case.

The balance of the Respondent's supplemental filing relates to allegations of financial impropriety and harassment of the Respondent by the Complainant. Whatever the merits of those matters (about which the Panel is not in a position to make any findings), those matters do not appear to bear on the Respondent's entitlement to the disputed domain name under the Policy. They are matters for different tribunals.

Accordingly, the Panel does not accept the Respondent's supplemental filing of March 17, 2023 into the record in this proceeding.

B. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark.

There are two parts to this inquiry: the Complainant must demonstrate that it has rights in a trademark at the date the Complaint was filed and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark.

It is sufficient to note for present purposes that the Complainant has proven ownership of registered trademarks for L'OFFICIEL in both plain script and with a slight figurative element.

The second stage of this inquiry simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See *e.g.*, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 1.7.

In undertaking that comparison, it is permissible in the present circumstances to disregard the generic Top Level Domain ("gTLD") component (in this case ".com") as a functional aspect of the domain name system. See [WIPO Overview 3.0](#), section 1.11.1.

Insofar as the second registered trademark involves a figurative element - being presented in a particular version of the font Didot, that figurative element may also be disregarded. See for example, [WIPO Overview 3.0](#), section 1.10.

Disregarding the ".com" gTLD, the disputed domain name consists of the Complainant's registered trademark and the term "monte carlo". As this requirement under the Policy is essentially a standing requirement, the addition of this term does not prevent a finding of confusing similarity. See *e.g.*, [WIPO Overview 3.0](#), section 1.8.

The Respondent points out that "l'officiel" is a descriptive term, translating from French into the English equivalent "official". While it might be thought surprising that the Complainant's word mark and the Respondent's word mark are registrable given the descriptive nature of the terms they are comprised of (acknowledging that the Respondent's trademark is a portmanteau of an ordinary French word and two English words). The Complainant has indicated it secured its registration in the European Union on the basis of acquired distinctiveness. In any event, both trademarks have been registered and a proceeding under the Policy is generally not the proper venue for contesting the validity of a registration.

Given it is registered, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is confusingly similar to the Complainant's trademark and the requirement under the first limb of the Policy is satisfied.

C. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in the disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement, like each element, falls on the Complainant. Panels have recognized the difficulties inherent in proving a negative, however, especially in circumstances where much of the relevant information is in, or likely to be in, the possession of the respondent. Accordingly, it is usually sufficient for a complainant to raise a *prima facie* case against the respondent under this head and an evidential burden will shift to the respondent to rebut that *prima facie* case. The ultimate burden of proof, however, remains with the Complainant. See e.g., [WIPO Overview 3.0](#), section 2.1.

There is no dispute between the Parties that neither Mr. Vorontsov nor Luxury Village LLC is licensed by, or any longer associated with, the Complainant.

The Complainant contends that any rights held by Luxury Village LLC are irrelevant as, assuming it exists, it is not the Respondent and, in any event, those rights do not give it rights to use the disputed domain name. The Complainant further contends that the disputed domain name is confusingly similar to the Complainant's trademark and is being used to mislead or misrepresent the public as to the source of the Respondent's website and services. In the absence of permission from the Complainant, therefore, the Respondent is not engaging in a good faith offering of goods or services.

The Panel accepts that, if the Respondent does not have rights or legitimate interests in the disputed domain name, its manner of use would not qualify as a good faith offering of goods or services for the purposes of the Policy. See e.g., paragraphs 4(c)(i) and (iii) of the Policy.

Paragraph 1 of the Rules defines the "Respondent" for the purposes of the Policy as meaning "the holder of a domain-name registration against which a complaint is initiated".

When the Complaint was filed, the person who is the holder of the disputed domain name has been confirmed by the Registrar as "D V".

The Panel is not prepared to act on the basis of the document "Registrar Primary Contact Update Form" submitted by Mr. Vorontsov after the Complaint was filed. First, it was submitted after the Complaint was filed. Once a Complaint has been filed, however, the registration is locked pending the outcome of the Complaint. Otherwise, there would be a risk that the Policy could be defeated by conduct such as cybersquatting. See e.g., *Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#) and paragraph 4(a) of the Rules. Secondly, at least on its face, it appears to be a form issued by ICANN to be used when a registrar wishes to change its primary contact details. It does not appear to have anything to do with a registrant transferring a domain name to some other person.

On the basis of the materials before the Panel, the Panel is prepared to act on the basis that "D V" is Mr. Vorontsov. Plainly, the initials correspond. Also, the Response and supplemental filings filed on behalf

of the Respondent have been submitted by Mr. Vorontsov and state that he registered the disputed domain name in his own name “for privacy reasons”.

According at least to the Respondent’s supplemental filing on March 3, 2023, Mr. Vorontsov is a director of, and one of the shareholders in, Luxury Village LLC.

The Panel notes that Luxury Village LLC’s applications to register the trademarks in both Monaco and the European Union appear to have been signed by someone purporting to be D Vorontsov, Director.

It is hardly an unusual experience for a domain name to be registered in the name of an individual and then used by a company that individual is associated with.

In these circumstances, therefore, the Panel considers that Mr. Vorontsov as the Respondent can legitimately rely on Luxury Village LLC’s trademark rights to support his claim to rights or legitimate interests under the Policy.

The Complainant has questioned whether Luxury Village LLC is a corporation that exists and is in good standing. The Complainant points to it having had a number of different addresses. The Delaware Department of State Entity Details for Luxury Village LLC annexed to the Complaint show that it was incorporated on November 12, 2018. The report also states “This is not a statement of good standing”. (The Panel notes that the report also states that the current status of the entity could be retrieved for a fee of USD 10.)

The Receipt from Harvard Business Services Inc. finally submitted by the Respondent on March 15, 2023 shows that Luxury Village LLC is still registered and in existence. However, it also shows that a Certificate of Revival was also issued on March 14 or 15, 2023 and associated late fees paid. That is, it appears that for a period before March 14, 2023, the registration of Luxury Village LLC had lapsed and was reinstated.

As the company is in existence, the Panel will proceed on the basis that it owns the registered trademarks registered in its name. It is not clear that the Complainant contends the trademark registrations lapsed automatically and have not been restored by the reinstatement of Luxury Village LLC’s registration. At the very least, the Panel would require rather more detailed argument to support such a drastic proposition if that is what the Complainant contends. Instead, the Panel is not prepared to go behind the validity of the registrations which is a matter for the relevant regulatory and judicial bodies with jurisdiction.

The Complainant’s second argument is that Luxury Village LLC’s registrations are not for “l’officiel” alone and give no rights to use that term without “fashion book” in a domain name. In addition, the Complainant contends that it has priority to use “l’officiel” alone over any rights the Respondent may claim through Luxury Village LLC’s registrations.

The Panel does not accept that, to claim rights or legitimate interests in the disputed domain name, the disputed domain name must precisely reflect the verbal element of a trademark associated with the Respondent. Rights in a trademark can provide a basis for a respondent to demonstrate rights or legitimate interests for the purposes of the Policy for at least two reasons. First, the rights in the trademark will usually provide an entitlement to use the trademark within its scope without infringing someone else’s rights. Secondly, pre-existing rights in the trademark, like rights arising from the circumstances prescribed by paragraph 4(b)(ii), will also usually rebut an inference that the disputed domain name has been adopted to take advantage of the complainant’s trademark.

In some circumstances, it could well be the case that the registration of a domain name for “l’officiel” (which is itself an ordinary French word) could be justifiable where the other words in the trademark are essentially a product descriptor rather than a source identifier.

The Panel does not think this proceeding is such a case.

First, it is clear that the Respondent was very well aware of the Complainant and its trademark well before Luxury Village LLC registered its trademarks or the disputed domain name. Apart from anything else, although the Respondent appears to deny it in his supplemental filing on March 15, 2023, the Complainant has provided licence agreements between the Complainant and two Australian companies in which the Respondent is identified as a director of those companies.

In addition, while the Respondent claims that the Didot font used in Luxury Village LLC's trademark is widely and commonly used in the fashion industry, the particular "narrow" or "squeezed" form used by the Complainant is different to other forms such as the more rounded version used by, for example, "Vogue" magazine and appears to be the same or very close to the style used by the Complainant.

Further, Luxury Village LLC's trademark depicts "l'officiel" in that essentially identical style in much larger and more prominent lettering than the other words, "fashion book" and, where it is used, "monte carlo", which is depicted in even smaller type than "fashion book".

Further still, the Respondent must have been aware of the significant potential for confusion that would arise from the adoption of Luxury Village LLC's trademark and also the disputed domain name in the face of the Complainant's (and its predecessors) long use.

As the Respondent points out, the Complainant's rights in its EUTMs do not give it rights in Monaco, which is a separate jurisdiction. Also, the first use of the Complainant's "Monaco" edition is not claimed to have occurred before the filing date or registration of Luxury Village LLC's registration. On the other hand, the Complainant does claim its trademark has been in use in its French magazine since 1921. In addition, while the official language of Monaco is French, the website to which the disputed domain name resolves is in English and directed to an international audience. It is not a website directed solely to local Monegasque issues. For example, Luxury Village LLC's Linktree page describes it as the "Intelligent source of commentary on fashion, film/tv, art *to the global audience*". (Emphasis supplied)

In these circumstances, therefore, the Panel considers that the Respondent cannot invoke Luxury Village LLC's rights in its registered trademark to provide rights or legitimate interests in the disputed domain name. The disputed domain name is not just Luxury Village LLC's trademark with minor or insubstantial variations

Accordingly, the Panel finds the Complainant has established the second requirement under the Policy also.

D. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see *e.g.*, *Burn World-Wide, Ltd. d/b/a BGT Partners v. Banta Global Turnkey Ltd*, WIPO Case No. [D2010-0470](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

For the reasons given in section 5C, the Panel finds that the Respondent was very aware of the Complainant and its trademark when he registered the disputed domain name.

Also for the reasons given in section 5C, the Panel considers that the Respondent must have been aware of the likelihood that the registration and use of the disputed domain name in the field of commentary on fashion, film, TV, and art to a global audience would lead to confusion with the Complainant's trademark and the services the Complainant offers under that trademark.

The Panel finds, therefore, that the Respondent registered the disputed domain name to take advantage of its resemblance to the Complainant's trademark and, in those circumstances, constitutes registration in bad

faith under the Policy. The Respondent's subsequent use, or authorization of Luxury Village LLC to use it, in the way it has been used is also using the disputed domain name in bad faith for the purposes of the Policy.

Accordingly, the Complainant has established all three requirements under the Policy.

In reaching these conclusions, the Panel has not overlooked the Respondent's argument that his, or Luxury Village LLC's, business or advertising and promotional activities are greater than the Complainant's. Accepting the truth of the claim for present purposes, the Respondent cannot be heard to rely on his own wrongdoing to undermine the Complainant's rights.

The Respondent has also referred to disputes involving the Complainant, or members of its corporate group, in disputes or investigations in the United States and Hong Kong, China. Those matters, however, do not bear on the Complainant's trademark rights or otherwise affect rights to the disputed domain name.

6. 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, <lofficielmontecarlo.com>, be transferred to the Complainant.

/Warwick A Rothnie/

Warwick A Rothnie

Sole Panelist

Date: March 17, 2023