

## **ADMINISTRATIVE PANEL DECISION**

Laurent-Perrier v. Bernd Langanke

Case No. D2022-4774

### **1. The Parties**

The Complainant is Laurent-Perrier, France, represented by Plasseraud IP, France.

The Respondent is Bernd Langanke, Switzerland.

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

The disputed domain names <laurent-perrier.shop>, <laurentperrier.shop>, <laurent-perrier.shopping>, and <laurentperrier.shopping> are registered with 1API GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2022. On December 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 15, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on December 21, 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 23, 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 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 18, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on January 20, 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.

#### **4. Factual Background**

The Complainant is a well-known French Champagne house established in the 19th century (1812) and located at Tours-sur-Marne, in France. The Complainant operates the Champagne house Laurent-Perrier and produces under the trademarks LAURENT-PERRIER and LAURENT PERRIER a wide range of Champagne wines. The Complainant enjoys a considerable reputation in the field of Champagne wines, not only in France but internationally since they have developed their activities in more than 120 countries and 82.1% of their sales volumes are generated by exports.

The Complainant is the owner of numerous trademarks consisting in whole or in part of the sign LAURENT-PERRIER including International Registration No. 309402 registered on February 24, 1966, of the word mark LAURENT-PERRIER for goods in international classes 32 and 33, International Registration No. 499556 registered on January 23, 1986, of the word mark LAURENT PERRIER for goods in international classes 32 and 33, and International Registration No. 809110 registered on March 6, 2003, of the figurative mark LAURENT-PERRIER for goods in international classes 16, 21, 32, 33, 38, 41, 42, and 43. (Hereinafter, collectively referenced as the “LAURENT-PERRIER” trademark(s)).

The Complainant is also the owner of numerous “Laurent-Perrier” domain names, including <laurent-perrier.com>, which hosts the Complainant’s official website.

All of the disputed domain names were registered on March 3, 2021, and resolve to the same website at “www.laurent-perrier.shop”.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain names are identical to the Complainant’s LAURENT-PERRIER trademark since they merely reproduce it in its entirety, and since the generic Top-Level Domains (“gTLD”) “.shop” and “.shopping” shall be ignored in context of the UDPR.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. The disputed domain names do not correspond to the name of the Respondent, nor to any trademark registered in the name of the Respondent, and to the best of the Complainant’s knowledge, the Respondent has not been legitimately known under the disputed domain names nor has the Complainant ever granted the Respondent any license or other rights and has not otherwise permitted the Respondent to use the Complainant’s trademark LAURENT-PERRIER or to apply for any domain names incorporating this trademark. Furthermore, the disputed domain names are used to direct toward a website that purports to sell Champagne wines, *i.e.*, goods that are covered by the Complainant’s LAURENT-PERRIER trademarks, which necessarily generates a risk that the website may be unduly perceived by Internet users as endorsed or sponsored by the Complainant, whereas this is not the case. In this connection, the Complainant contends that even assuming that the Respondent genuinely markets LAURENT-PERRIER goods, the Respondent is not entitled to legitimately hold and use the disputed domain names, *inter alia* because the Respondent’s website does not only market LAURENT-PERRIER products but also offer for sale products such as furniture or electronic devices.

The Complainant finally contends that the domain names were registered and are being used in bad faith.

The Complainant's trademark LAURENT-PERRIER is well known worldwide and has been registered in Switzerland where the Respondent is located, for many years. It is also apparent from the content of the website that the Respondent is fully aware of the Complainant's LAURENT-PERRIER trademarks, and it is a well-established principle that registration of a domain name that is confusingly similar to a well-known trademark by any entity that does not have a relationship to that mark can amount to sufficient evidence of bad faith registration and use. In addition, the Respondent is using the disputed domain names to resolve to a website consisting of an online shop entitled CHAMPAGNE LAURENT-PERRIER, on which the Respondent is reproducing the Complainant's logo and purports to sell, among other, LAURENT-PERRIER wines of Champagne, but also purports to sell other goods such as iPhone docks, classic wooden chair, decorations made out of wood, which clearly does not constitute a *bona fide* use.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 15(a) of the Rules the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

- (i) the disputed domain name registered by the respondent 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 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

### **A. Identical or Confusingly Similar**

The Panel finds that the disputed domain names are identical (in the sense of the Policy) to the Complainant's registered trademark LAURENT-PERRIER.

The disputed domain names thus comprise the Complainant's LAURENT-PERRIER trademark in its entirety and the gTLDs ".shop" and ".shopping" respectively, are standard registration requirements and as such they are generally disregarded under the first element confusing similarity test. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel finds that the conditions in paragraph 4(a)(i) of the Policy are therefore fulfilled in relation to the all disputed domain names.

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

It is clear from the facts of the case that the Complainant has not licensed or otherwise permitted the Respondent to use its trademark and given the circumstances of this case, the Panel finds that the Complainant has established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names.

The Respondent has not produced, and there is no evidence of the types of circumstances set out in paragraph 4(c) of the Policy that might give rise to rights or legitimate interests in the disputed domain names on the part of the Respondent in these proceedings. The disputed domain names all resolve to the same website under the disputed domain name <laurent-perrier.shop> on which the Complainant's logo is shown and on which the Respondent purports to offer *inter alia* LAURENT-PERRIER products. Not only is there a high risk of implied affiliation caused by the identical replication of the Complainant's LAURENT-PERRIER trademark without modification in the construction of the disputed domain names, but this risk of association is reinforced by the use of the Complainant's logo on the website. The fact that the Respondent also purports to offer other products such as furniture or electronic devices, on the said website, does clearly not support a claim to rights or legitimate interests. See sections 2.5.1 and 2.5.3 of the [WIPO Overview 3.0](#).

The Panel recognizes that there may be some limited situations where the registration and use of domain names that specifically refer to and incorporate the trademark of another entity may serve legitimate purposes, cf. section 2.8.1 of the [WIPO Overview 3.0](#), but the requirements of the so called "Oki Data test" are clearly not met in this case considering the lack of disclaimer and purported offering of goods other than the Complainant's trademarked LAURENT-PERRIER goods.

Consequently, the Panel finds that the condition in paragraph 4(a)(ii) of the Policy is also fulfilled.

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

Paragraph 4(a)(iii) of the Policy requires a complainant to prove both registration and use of the disputed domain name in bad faith. Paragraph 4(b) of the Policy provides examples of circumstances which shall be evidence of registration and use in bad faith:

- (i) circumstances indicating that the holder has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the holder's documented out-of-pocket costs directly related to the domain name; or
- (ii) the holder has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the holder has engaged in a pattern of such conduct; or
- (iii) the holder has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the holder's website or location or of a product or service on the holder's website or location.

Accordingly, for the Complainant to succeed, the Panel must be satisfied that the disputed domain names have been registered and are being used in bad faith.

Given the circumstances of the case, in particular the distinctiveness and well-established reputation of the Complainant's trademark LAURENT-PERRIER, and the content of the website to which the disputed domain names redirect, it is inconceivable to the Panel that the Respondent registered the disputed domain names without prior knowledge of the Complainant and the Complainant's mark. Further, the Panel finds that the Respondent could not have been unaware of the fact that the disputed domain name it chose could attract Internet users in a manner that is likely to create confusion for such users. Moreover, the mere registration of domain names that are identical to a well-known trademark by an unaffiliated entity may by itself create presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#).

The Panel therefore finds that the disputed domain names were registered in bad faith.

The disputed domain names redirect to a website that purports to sell the Complainant's product, and the website even contains a reproduction of the Complainant's registered logo. Such use is clearly likely to disrupt the business of the Complainant and to create confusion with the Complainant's mark "as to the source, sponsorship, affiliation, or endorsement of the holder's website or location or of a product or service on the holder's website or location", and this use thus constitutes bad faith use under the Policy.

Noting that the disputed domain name incorporates a well-known trademark, that the Respondent has failed to participate in these proceedings, that there appears to be no conceivable good faith use that could be made by the Respondent of the disputed domain names, and considering all the facts and evidence, the Panel finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

## **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 names, <laurent-perrier.shop>, <laurentperrier.shop>, <laurent-perrier.shopping>, and <laurentperrier.shopping> be transferred to the Complainant.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: February 13, 2023