

## **ADMINISTRATIVE PANEL DECISION**

Louis Vuitton Malletier v. laurens dauchy  
Case No. D2022-4881

### **1. The Parties**

Complainant is Louis Vuitton Malletier, France, represented by Studio Barbero, Italy.

Respondent is laurens dauchy, Belgium.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2022. On December 20, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 20, 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 (Privacy Protection) and contact information in the Complaint. The Center sent an email communication to Complainant on December 28, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on December 28, 2022.

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 Respondent of the Complaint, and the proceedings commenced on January 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was January 30, 2023. Respondent sent informal email communications to the Center on December 28 and 29, 2022, and January 11, 2023.

The Center appointed Marina Perraki as the sole panelist in this matter on February 13, 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**

Complainant is a French fashion house part of the multinational luxury goods conglomerate LVMH Moët Hennessy Louis Vuitton, known as LVMH. Per the Complaint, the origin of Complainant dates back to over 165 years ago, when in 1854 the house of Louis Vuitton Malletier was founded in Paris by 33-year-old Louis Vuitton.

The LOUIS VUITTON trademark has thus been used by Complainant for more than 165 years in connection with luxury leather goods, products of high-fashion, accessories, as well as fragrances and cosmetics. LVMH Group currently employs over 160,000 people and is the world's leading luxury products group. LVMH Group brands in 2021 generated EUR 64.2 billion revenues and runs over 5,550 stores worldwide.

According to InterBrand's Best Global Brands List in 2019, the LOUIS VUITTON trademark was valued USD 32.223 million and was the 17th most valuable trademark in the world, whilst it was valued at USD 36.766 million and was ranked as the 13th most valuable trademark in the world in 2021.

Complainant is the owner of registrations worldwide for LOUIS VUITTON (word mark), including the following:

- International Trademark Registration No. 416052, registered on June 19, 1975, for goods and services in international classes 03, 06, 08, 13, 14, 16, 18, 20, 21, 24, 25, 28, and 34;
- European Union Trademark Registration No. 000015610, filed on April 1, 1996 and registered on March 16, 1998, for goods in international classes 16, 18, and 25; and
- United States of America Trademark Registration No. 1045932, filed on August 13, 1975, claiming first use as of 1875, and registered on August 10, 1976, for goods in international class 18.

Complainant is also the owner of various LOUIS VUITTON domain names, including <louisvuitton.com>, registered on February 18, 1997.

Respondent registered the Domain Name on June 20, 2022. At the time of filing of the Complaint, the Domain Name redirected to a website where the Domain Name was being offered for sale at different prices each time, namely initially at USD 499,888 and subsequently at USD 99,998 and then for USD 49,998. A broker entrusted by Respondent replied to a web agency instructed by Complainant to submit a request, indicating that the Domain Name was offered for sale for USD 1,000,000.

#### **5. Parties' Contentions**

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

Complainant asserts that it has established all three elements required under paragraph 4(a) of the Policy for the transfer of the Domain Name.

##### **B. Respondent**

Respondent did not formally reply to Complainant's contentions. On January 10, 11 and 13, 2023, he sent email communications to the Center, stating amongst others: "I believe i have done nothing wrong", "I am not a cyber squatter I am simply a person who bought this name for the personal use of using it as a landing page comment and criticism purposes.", and "I wish to explore settlement talks."

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements, which Complainant must satisfy with respect to the Domain Name:

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

### A. Identical or Confusingly Similar

The Domain Name consists of the LOUIS VUITTON trademark in its entirety.

The generic Top-Level Domain (“gTLD”) “.xyz” is disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Name is identical to the LOUIS VUITTON trademark of Complainant.

Complainant has established Policy, paragraph 4(a)(i).

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

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

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name.

Respondent has not formally replied to Complainant’s contentions and has not claimed any such rights or legitimate interests with respect to the Domain Name. As per the Complaint, Respondent was not authorized to register the Domain Name.

There is no evidence that Respondent has been commonly known by the Domain Name.

Prior to the notice of the dispute, Respondent did not demonstrate any use of the Domain Name or a name corresponding to the Domain Name in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainant has demonstrated, the Domain Name resolved to a parking page on which the Domain Name was being offered for sale.

Furthermore, the Domain Name consists entirely of Complainant’s trademark LOUIS VUITTON and thus carries a risk of confusion.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy, paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in bad faith:

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or

(ii) that Respondent 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 Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent has registered and used the Domain Name in bad faith.

Complainant’s mark LOUIS VUITTON had been widely used and registered at the time of the Domain Name registration by Respondent and had acquired worldwide reputation and enjoyed worldwide reputation. Therefore the Panel finds it highly likely that Respondent had Complainant’s mark (a unique expression) in mind when registering the Domain Name (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#)).

If it was not obvious that Complainant is among the world’s most famous trademarks, Respondent should have known about Complainant’s rights, as such knowledge is readily obtainable through a simple browser search (*Caesars World, Inc. v. Forum LLC*, WIPO Case No. [D2005-0517](#); *Compart AG v. Compart.com / Vertical Axis, Inc.*, WIPO Case No. [D2009-0462](#)).

Moreover, Respondent could have searched trademark registry databases and would have found Complainant’s prior registration in respect of the LOUIS VUITTON trademark (*Citrix Online LLC v. Ramalinga Reddy Sanikommu Venkata*, WIPO Case No. [D2012-1338](#)).

As regards bad faith use, Complainant demonstrated that the Domain Name was being offered for sale for an amount that likely exceeds the acquisition price paid by Respondent.

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the Domain Name in bad faith.

Complainant has established Policy paragraph 4(a)(iii).

## 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, <louisvuitton.xyz> be transferred to Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: February 28, 2023