

ADMINISTRATIVE PANEL DECISION

Groupe Adeo v. 朱策 (zhu ce), 东莞市东城轩乐网络工作室 (dong guan shi dong cheng xuan le wang luo gong zuo shi)

Case No. D2023-3559

1. The Parties

The Complainant is Groupe Adeo, France, represented by Nameshield, France.

The Respondent is 朱策 (zhu ce), 东莞市东城轩乐网络工作室 (dong guan shi dong cheng xuan le wang luo gong zuo shi), China.

2. The Domain Name and Registrar

The disputed domain name <adeoservicessa.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 23, 2023. On August 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 24, 2023, 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 (not identified) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 2023, 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 in English on September 4, 2023.

On September 1, 2023, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On September 4, 2023, the Complainant submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in English and Chinese of the Complaint, and the proceedings commenced on September 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 10, 2023.

The Center appointed Joseph Simone as the sole panelist in this matter on October 24, 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, GROUPE ADEO, is a leading company in home remodeling and decoration sectors for individuals and professionals.

The Complainant has an extensive global portfolio of trade marks including ADEO, including the followings:

- European Union Trade Mark Registration for ADEO No. 005384731, in Classes 2, 6, 7, 8, 16, 27, and 35, registered on January 20, 2009;
- International Trade Mark Registration for ADEO No. 930513, in Classes 2, 3, 6, 7, 8, 9, 11, 16, 17, 19, 20, 21, 27, 35, and 37, registered on October 13, 2006, designating to Türkiye, Belarus, China, Kazakhstan, Russian Federation, and Ukraine;
- International Trade Mark Registration for ADEO No. 922918, in Class 41, registered on April 2, 2007, designating to Türkiye, China, Russian Federation, and Ukraine; and
- International Trade Mark Registration for ADEO No. 1316051, in Class 5, registered on September 8, 2016, designating to Australia, Switzerland, China, Japan, Norway, New Zealand, Russian Federation, and United States of America.

The disputed domain name was registered on August 18, 2023.

According to evidence provided by the Complainant, at the time of filing the Complaint, the disputed domain name resolved to an inactive page. At the time of issuance of this decision, the disputed domain name continues to resolve to an inactive page.

5. Parties' Contentions

A. Complainant

The Complainant asserts that it has prior rights in the ADEO trade mark and that it is a leading player in its field of business.

The Complainant also asserts that the disputed domain name registered by the Respondent is identical or confusingly similar to the Complainant's ADEO trade marks, and that the addition of the generic Top-Level Domain ("gTLD") ".com" does not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the Complainant's trade marks.

Furthermore, the Complainant argues that the addition of the terms "services" and "sa" (the French acronym for the corporate form "Société Anonyme") does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's ADEO mark.

The Complainant asserts that it has not authorized the Respondent to use the ADEO mark, and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services.

The Complainant also claims there is no evidence indicating that the Respondent has any connection to the ADEO mark in any way, and that there is no plausible good-faith reason for the Respondent to have registered the disputed domain name. The Complainant therefore concludes that the registration and any use of the disputed domain name whatsoever must be in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

In accordance with paragraph 11(a) of the Rules:

“[...] the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.”

In this case, the language of the Registration Agreement for the disputed domain name is Chinese. Hence, the default language of the proceeding should be Chinese.

However, the Complainant filed the Complaint in English and requested that English be the language of the proceeding for the following main reasons:

- English is the language most widely used in international relations and is one of the working languages of the Center;
- the disputed domain name is made up of Latin characters rather than Chinese characters; and
- the Complainant is not in a position to conduct the proceeding in Chinese without significant additional expense and delay due to the need to arrange for the translation of the Complaint and the supporting evidence.

The Respondent was notified in both Chinese and English of the language of the proceeding and the commencement of the proceeding and did not comment on the language of the proceeding or submit any response in either Chinese or English.

Considering the circumstances of this case, the Panel determines that the language of the proceeding shall be English, and as such, the Panel has issued this decision in English. The Panel further finds that such determination should not create any prejudice to either Party and should ensure that the proceeding takes place with due expedition.

6.2. Substantive Issues

A. Identical or Confusingly Similar

The Panel acknowledges that the Complainant has established rights in the ADEO trade mark in many jurisdictions around the world.

Disregarding the gTLD “.com”, the disputed domain name incorporates the Complainant's trade mark ADEO in its entirety. Thus, the disputed domain name should be regarded as confusingly similar to the Complainant's ADEO trade mark. The inclusion of the additional terms “services” and “sa” does not prevent a finding of confusing similarity.

The Panel therefore finds that the Complainant satisfies the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the ADEO trade mark and in showing that the disputed domain name is confusingly similar to its mark.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the complainant is required to establish a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once such *prima facie* case is made out, the respondent bears the burden of producing evidence in support of its rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant may be deemed to have satisfied paragraph 4(a)(ii) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 2.1.

The Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a *bona fide* offering of goods or services. Thus, the Complainant has established its *prima facie* case with satisfactory evidence.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that he enjoys rights or legitimate interests in the disputed domain name. As such, the Panel concludes that the Respondent has failed to rebut the Complainant's *prima facie* showing of the Respondent's lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

Therefore, there is no evidence adduced to show that the Respondent, prior to the notice of the dispute, has used or has demonstrated its preparation to use the disputed domain name in connection with a *bona fide* offering of goods or services. There is also no evidence adduced to show that the Respondent has been commonly known by the disputed domain name or the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

Accordingly, and based on the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances in particular, but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its 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 respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). The overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant seeks to profit from and exploit the trade mark of another party. See *Match.com, LP v. Bill Zag and NWLAWS.ORG*, WIPO Case No. [D2004-0230](#).

For reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

When the Respondent registered the disputed domain name, the ADEO trade marks were already widely known and directly associated with the Complainant's activities. UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Given the extensive prior use and fame of the Complainant's marks, in the Panel's view, the Respondent should have been aware of the Complainant's marks when registering the disputed domain name.

The Respondent has provided no evidence to justify his choice of the term "adeo" in the disputed domain name. In light of the foregoing, it would be unreasonable to conclude that the Respondent - at the time of the registration of the disputed domain name - was unaware of the Complainant's trade mark.

The Complainant's registered trade mark rights in ADEO for its products and services predate the registration date of the disputed domain name. A simple online search (such as via Google or Baidu) for the term "adeo" would have revealed that it is a world-renowned brand.

The Panel is therefore of the view that the Respondent registered the disputed domain name with full knowledge of the Complainant's trade mark rights.

In light of the foregoing facts, there are no plausible good faith reasons for the Respondent to have registered the disputed domain name, especially considering the relevant circumstances. But while the disputed domain name no longer resolves to an active website, the doctrine of passive holding provides that the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding. Accordingly, given the passive holding use of the disputed domain name, the Respondent's use of false or incomplete contact details (the Written Notice could not be delivered), the failure of the Respondent to submit a response, and the implausibility of any good faith use that the disputed domain name may be put, the current passive holding of the disputed domain name does not prevent a finding of bad faith.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <adeoservicessa.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: November 7, 2023