

ADMINISTRATIVE PANEL DECISION

Interparfums SA v. Thomasabakrew Thomasabakreweeee
Case No. D2023-4184

1. The Parties

The Complainant is Interparfums SA, France, internally represented.

The Respondent is Thomasabakrew Thomasabakreweeee, United States of America ("United States" or "US").

2. The Domain Name and Registrar

The disputed domain name <interprafums-fr.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 October 9, 2023. On October 9, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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 (Privacy service provided by Withheld for Privacy ehf, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 11, 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 on October 13, 2023.

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 October 25, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 14, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 16, 2023.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on December 4, 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 in this administrative proceeding is the French company Interparfums SA., operating in the global fragrance business since 1982. It produces and distributes fragrance and fragrance-related products under license agreements with brand owners. The Company manages its business in two operating segments: European based operations, through its 72% owned subsidiary, Interparfums SA, and United States based operations.

The Complainant is the owner of trademark rights on INTERPARFUMS, for perfume products, as follows:

- US Trademark INTER PARFUMS n°76330999 in classes 3, 18, 24, dated October 29, 2001;
- International Trademark INTER PARFUMS n° 763213 in classes 3, 18, 24, dated March 16, 2001;
- French Trademark INTER PARFUMS n° 99781389 in classes 3, 18, 24, dated March 12, 1999.

The Complainant is the owner of the domain names <interparfums.fr> and <interparfums-finance.fr>, registered on June 3, 1999 and September 17, 2019, respectively.

The disputed domain name <interprafums-fr.com> was registered on October 2, 2023 and resolves to an inactive website. However, e-mails were sent through the MX server of the disputed domain name, associated with the names of actual personnel members of the Complainant such as accounting department members and export managers in charge of the clients, in an attempt to hijack financial transactions.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

The Complainant argues that the disputed domain name <interprafums-fr.com> is similar to the trademarks INTER PARFUMS and the Complainant's domain names. It is a typical typo-squatting registration where the letters "a" and "r" are inverted and where the brand INTERPARFUMS is instantly recognizable within the disputed domain name.

The disputed domain name resolves to an inactive website. However, e-mails were sent through the MX server of the disputed domain name, impersonating the Complainant's staff requesting financial transactions from the Complainant's clients.

There is no evidence that the Respondent has made demonstrable preparations to use the disputed domain name for legitimate purposes, nor is there any evidence that the Respondent is using the disputed domain name in connection with a *bona fide* offering of goods and services.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. That being the case, the Complainant finds that the disputed domain name is used to take unfair advantage of the Complainant's rights for commercial gain, since Internet users and the Complainant's clients would inevitably associate the content on the e-mails related to the disputed domain name with the Complainant's prior trademarks and domain names.

Moreover, the Complainant stresses that the Respondent is not commonly known by the name “Interparfums.”

According to the Complainant, it has prior rights over the trademark INTER PARFUMS, and has not authorized the registration and use of the disputed domain name, nor the use of its trade name and trademarks by the Respondent.

The Respondent is not affiliated to or authorized by the Complainant to use or register the disputed domain name.

The Complainant’s intellectual property rights for INTER PARFUMS trademarks predate the registration of the disputed domain name.

The Complainant also argues that the Respondent was aware of the Complainant’s rights and has clearly registered the disputed domain name to target the Complainant’s trademark, and that the registration of the disputed domain name was conducted in bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

- (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 used in bad faith.

Based on the evidence and arguments submitted, the Panel’s findings are as follows:

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is typosquattedly reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7. and 1.9.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing, unauthorized account access/hacking, impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent obviously was aware of the Complainant's marks when registering the disputed domain name, since the Respondent impersonates the Complainant's staff and online services, in a clear reference to the Complainant's business.

Therefore, this Panel finds that the disputed domain name was inherently likely to mislead Internet users, and the Respondent's use of the disputed domain name in this manner indicates neither a *bona fide* offering of goods or services under Policy, nor a noncommercial or fair use of the domain name under Policy.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element 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 disputed domain name <interprafums-fr.com> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: December 18, 2023