

ADMINISTRATIVE PANEL DECISION

Aime Leon Dore LLC and Aime Leon Dore Holdings, LLC v. Client Care, Web Commerce Communications Limited
Case No. D2023-4628

1. The Parties

The Complainants are Aime Leon Dore LLC and Aime Leon Dore Holdings, LLC, United States of America (“United States”) (together the “Complainant”), represented by Jayaram PLLC, United States.

The Respondent is Client Care, Web Commerce Communications Limited, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <aimeleondoreargentina.com>, <aimeleondoreaustria.com>, <aimeleondore-canada.com>, <aimeleondorecanada.com>, <aimeleondorechile.com>, <aimeleondorecolombia.com>, <aimeleondoreczech.com>, <aimeleondore-danmark.com>, <aimeleondoredanmark.com>, <aimeleondoredeutschland.com>, <aimeleondore-espana.com>, <aimeleondorespana.com>, <aimeleondore-france.com>, <aimeleondorefrance.com>, <aimeleondoregreece.com>, <aimeleondoreireland.com>, <aimeleondoreitalia.com>, <aimeleondorejapan.com>, <aimeleondorelnyc.com>, <aimeleondorelusa.com>, <aimeleondoremagyarorszag.com>, <aimeleondoremalaysia.com>, <aimeleondore-mexico.com>, <aimeleondoremexico.com>, <aimeleondore-norge.com>, <aimeleondorenorge.com>, <aimeleondorenz.com>, <aimeleondore-osterreich.com>, <aimeleondoreosterreich.com>, <aimeleondorephilippines.com>, <aimeleondorepolska.com>, <aimeleondoreportugal.com>, <aimeleondoreromania.com>, <aimeleondoreschweiz.com>, <aimeleondore-singapore.com>, <aimeleondore-singapore.com>, <aimeleondoresingapore.com>, <aimeleondoresouthafrica.com>, <aimeleondoresuomi.com>, <aimeleondore-sverige.com>, <aimeleondoresverige.com>, <aimeleondoreturkiye.com>, <aimeleondore-uk.com> and <aimeleondoreuk.com> (the “Domain Names”) are registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2023. On November 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On November 9, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Unknown Respondent) and contact information in the

Complaint. The Center sent an email communication to the Complainant on November 15, 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 amendment to the Complaint on November 16, 2023.

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 the Respondent of the Complaint, and the proceedings commenced on November 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 13, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on December 19, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

Since its founding in 2014, the Complainant has become a successful fashion brand distributed through various channels of trade in the United States and internationally, including through its stores and its website at "www.aimeleondore.com".

The Complainant uses the trademark AIMÉ LEON DORE. The Complainant has rights in numerous trademark registrations, such as United States Trademark Registrations numbers 4636813 (registered on November 11, 2014) and 5811889 (registered on July 23, 2019).

The Domain Names have been registered between June and September 2023. At the time of filing the Complaint, the Domain Names resolved to the same website similar to the Complainant's website purporting selling the Complainant's products at discounted prices. The website reproduces the Complainant's trademarks, features near-identical designs and photographs taken from the Complainant's website. At the time of drafting the Decision, the Domain Names resolve to an error page.

5. Parties' Contentions

A. Complainant

The Complainant argues that the Domain Names are, if not registered by one and the same entity, at least linked and under common control. The Domain Names are all similar variants of the Complainant's (the Complainant's trademarks with a geographic term). All the 44 Domain Names were registered in the same period. Many the Domain Names share the same IP locations. The Domain Names resolved to the same website very similar to the Complainant's website. The Respondent's website reproduces the Complainant's trademarks, designs, and photographs.

The Complainant provides evidence of trademark registrations and argues common law rights. The Domain Names consist of the Complainant's distinctive trademark with a geographic term. This is not sufficient to prevent a finding of confusing similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Respondent has not made any demonstrable preparations to use the Domain Names in connection with a *bona fide* offering of goods or services. The Complainant contends that the Respondent is

using the Domain Names to offer counterfeit goods. Such illegal activity can never confer rights or legitimate interests.

The Complainant argues that the Domain Names were registered and are being used in bad faith as the Respondent must have had knowledge of the Complainant's prior rights when the Respondent registered the Domain Names. Moreover, the Respondent has used the Domain Names to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The Respondent has been using the Domain Names to imitate the Complainant's authentic storefront and offer counterfeit products purporting to be the products of the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Procedural matters - Consolidation of Multiple Registrants

As the Registrar has confirmed that the Respondent listed in the amendment to the Complaint is the current Registrant of the Domain Names, it is not necessary to examine the Complainant's arguments for consolidation of multiple registrants.

B. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. The Complainant has established that it has rights in the trademark AIMÉ LEON DORE. Each Domain Name incorporates the Complainant's trademark in its entirety, with the addition of a geographic term. It is inserted a hyphen between the trademark and the country name for some of the Domain Names. These additions do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD") (in this case ".com") as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the Domain Names are confusingly similar to the trademark in which the Complainant has rights. The first element of paragraph 4(a) the Policy has been established.

C. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the respondent may demonstrate rights or legitimate interests in a disputed domain name. While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Domain Names. 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 Domain Names. There is no evidence of the Respondent's use of, or

demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services.

As described above, the Respondent has used the Domain Names to purportedly offer the Complainant's products goods at discounted prices from a website imitating the Complainant's website. Such use cannot confer rights or legitimate interests. Further, the composition of the Domain Names carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

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.

The composition and use of the Domain Names prove that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The Respondent has failed to provide any evidence of actual or contemplated good faith use of the Domain Names. The use of the Domain Names for a website that imitates the Complainant's webpage and purportedly offered the Complainant's goods at discounted prices, to attract Internet users to Respondent's website for commercial gain, is evidence of bad faith registration and use pursuant to paragraph 4(b)(iv) of the Policy.

The Panel also notes that the Respondent, has been found by prior UDRP panels to have engaged in abusive domain name registrations over the past recent years and such pattern of abusive conduct constitutes further evidence of bad faith.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Names <aimeleondoreargentina.com>, <aimeleondoreaustria.com>, <aimeleondorecanada.com>, <aimeleondorechile.com>, <aimeleondorecolombia.com>, <aimeleondoreczech.com>, <aimeleondoredanmark.com>, <aimeleondoredanmark.com>, <aimeleondoredeutschland.com>, <aimeleondore-espana.com>, <aimeleondoreespana.com>, <aimeleondore-france.com>, <aimeleondorefrance.com>, <aimeleondoregreece.com>, <aimeleondoreireland.com>, <aimeleondoreitalia.com>, <aimeleondorejapan.com>, <aimeleondorelnyc.com>, <aimeleondorelusa.com>, <aimeleondoremagyarorszag.com>, <aimeleondoremalaysia.com>, <aimeleondore-mexico.com>, <aimeleondoremexico.com>, <aimeleondore-norge.com>, <aimeleondorenorvege.com>, <aimeleondorenz.com>, <aimeleondore-osterreich.com>, <aimeleondoreosterreich.com>, <aimeleondorephilippines.com>, <aimeleondorepolska.com>, <aimeleondoreportugal.com>, <aimeleondoreromania.com>, <aimeleondoreschweiz.com>, <aimeleondore-singapore.com>, <aimeleondore-singapore.com>, <aimeleondoresouthafrica.com>, <aimeleondoresuomi.com>, <aimeleondore-sverige.com>, <aimeleondoresverige.com>, <aimeleondoreturkiye.com>, <aimeleondore-uk.com>, and <aimeleondoreuk.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: December 22, 2023