

## ADMINISTRATIVE PANEL DECISION

Louvre Hotels Group v. Name Redacted  
Case No. D2023-4930

### 1. The Parties

The Complainant is Louvre Hotels Group, France, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent: The Respondent is Name Redacted<sup>1</sup>.

### 2. The Domain Name and Registrar

The disputed domain name <louvres-hotels.com> is registered with Squarespace Domains II LLC (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 27, 2023. On November 27, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 28, 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 29, 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 November 29, 2023.

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<sup>1</sup> The registrant of the disputed domain name <louvres-hotels.com> appears to have used the name of a third party when registering the disputed domain name <louvres-hotels.com> (see below). In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name <louvres-hotels.com>, which includes the name provided for the registration of the disputed domain name <louvres-hotels.com>. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted, WIPO Case No. [D2009-1788](#).

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 4, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 3, 2024.

The Center appointed Taras Kyslyy as the sole panelist in this matter on January 8, 2024. 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 part of Jin Jiang International, one of the major hospitality group in the world. It has a network of about 1,700 hotels, 11 brands from 1 to 5 stars, in 60 countries across the world.

The Complainant is well recognized within the industry for its quality of service and commitment to innovation. In 2021, The Complainant along with Jin Jiang International won no less than five trophies recognizing the dynamism and strength of innovation of the two hotel groups. The Complainant was also awarded Best CSR Innovation at the U-Spring 2017 Awards. The award honors the Complainant’s corporate team efforts in providing development and support to their employees throughout their careers. In 2017, the Complainant announced the launch of its 100% digital client experience, across all of its brands, which enables the Complainant’s guests to check-in and open rooms using a mobile key. In addition, Complainant expanded its accepted forms of web payment options to include Chinese payment platforms Alipay and Wechat Pay, thus opening the doors to the platforms’ combined 750 million Chinese users.

The Complainant is the owner of LOUVRE HOTELS GROUP trademark registrations across various Jurisdictions, including for instance European Union registration No. 010026482, registered on November 8, 2011.

In addition, the Complainant owns 70 domain names that incorporate the LOUVRE HOTELS GROUP brand, including <louvrehotels.com> and <louvre-hotels.com>.

The disputed domain name was registered on March 14, 2023, and does not resolve to any active webpage. The disputed domain name was used in an email address to send fraudulent email messages falsely pretending to be sent by the Complainant’s employee.

#### **5. Parties’ Contentions**

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

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

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant’s trademark. The extension of the disputed domain name should not be taken into account. The disputed domain name can be considered as capturing, in its entirety, the Complainant’s trademark. The mere omission of the third term “group” of the trademark does not negate the confusing similarity between the disputed domain name and the Complainant’s trademark. The disputed domain name includes a plural form of the Complainant’s trademark first term “louvre”, which has a distinctive character, and the

second term “hotels”. On this basis, the Complainant’s trademark is sufficiently recognizable within the disputed domain name, and it is accordingly confusingly similar to the Complainant’s trademark. The Respondent’s addition of a hyphen between “louvre” and “hotels” does nothing to distinguish the disputed domain name from the Complainant’s trademark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not sponsored by or affiliated with the Complainant in any way. Nor has the Complainant given the Respondent license, authorization, or permission to use the Complainant’s trademark in any manner, including in domain names. The Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests. At the time of filing the complaint, the Respondent was using a privacy Whois service, which equate to a lack of legitimate interest. The disputed domain name was registered on March 14, 2023, which is significantly after the Complainant’s registration of its trademark. Complainant’s trademark has enjoyed a high degree of fame and reputation before Respondent registered the disputed domain name. The disputed domain name that is a minor variation of the Complainant’s trademark with the addition of a hyphen and nearly identical to the primary domain names <louvrehotels.com> and <louvre-hotels.com> strongly suggests an affiliation with, or authorization by, the Complainant that any use of the disputed domain name cannot be considered fair use. The Respondent was previously using the disputed domain name to send fraudulent e-mails which had the appearance of coming from one of Complainant’s employees to send a counterfeit invoice and arrange for a transfer in the amount of EUR 8,000 was made to a wrong bank account. The Respondent has failed to make use of this disputed domain name’s website and has not demonstrated any attempt to make legitimate use of the disputed domain name and website, which evinces a lack of rights or legitimate interests in the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. By registering the disputed domain name that incorporates a minor variation of the Complainant’s famous trademark along with a hyphen, the Respondent has created the disputed domain name that is confusingly similar to the Complainant’s trademark, and identical to its <louvrehotels.com> and <louvrehotels.com> domain names. The Respondent has demonstrated a knowledge of and familiarity with the Complainant’s brand and business. In addition, by using the disputed domain name to send fraudulent e-mails to unsuspecting recipients, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant’s brand at the time the disputed domain name was registered. The Respondent registered and used the disputed domain name as part of a fraudulent e-mail phishing scheme, which is clear evidence of bad faith registration and use. The disputed domain name currently resolves to a blank page and is not being used. The bad faith use does not require a positive act on the part of the Respondent, and passively holding the disputed domain name can constitute a factor in finding bad faith registration and use. The Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity, which is further evidence of bad faith registration and use. By falsely using the name of the Complainant’s employee, the Respondent is attempting to conceal its true identity.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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.

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 disregards gTLD “.com” for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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](#), section 1.7.

Although the addition of other terms here, letter “s” in word “louvre” and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of the letter and hyphen here does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

## **B. 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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.

The available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests.

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated *bona fide* or legitimate use of the disputed domain name could be reasonably claimed.

Panels have held that the use of a domain name for illegal activity here, claimed use of the disputed domain name in an email address to send fraudulent emails can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 shortly after registration of the disputed domain name confusingly similar to the Complainant's trademark and almost identical to the Complainant's original domain name, the Respondent used the disputed domain name in an email address to send fraudulent messages falsely pretending to be the Complainant's employee. The Panel finds that the nature of the disputed domain name and its use confirms the Respondent knew the Complainant's prior trademark rights and confirms the bad faith. [WIPO Overview 3.0](#) section 3.2.2.

The use of a domain name for purposes other than to host a website may constitute bad faith. Such purposes include sending email, phishing, identity theft, or malware distribution. The Panel finds that in the present case use of the disputed domain name to send fraudulent emails constitutes bad faith. [WIPO Overview 3.0](#) section 3.4.

The Respondent ignored its possibility to comment on the contrary and provide any good explanations to prove its good faith while registering and using the disputed domain name.

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 <louvres-hotels.com> be transferred to the Complainant.

*/Taras Kyslyy/*

**Taras Kyslyy**

Sole Panelist

Date: January 12, 2024