

## **ADMINISTRATIVE PANEL DECISION**

Bellerose Belgium Société Anonyme v. guan men  
Case No. D2024-0212

### **1. The Parties**

The Complainant is Bellerose Belgium Société Anonyme, Belgium, represented by Gevers Legal, Belgium.

The Respondent is guan men, China.

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

The disputed domain name <belleroseus.com> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 18, 2024. On January 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 18, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 January 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 16, 2024.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on February 23, 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, Bellerose Belgium Société Anonyme, is a Belgian company that designs and distributes fashion products. Founded in 1989 in Belgium, the company now offers a diverse range of branded goods and services, including clothing and accessories. Its operations span across the European Union, United Kingdom and the United States of America.

The Complainant is the owner of various trademark registrations, such as:

- Benelux trademark registration No. 772149 for BELLEROSE, registered on September 9, 2005, in classes 18, 24, and 25.
- European Union trademark registration No. 004618617 for BELLEROSE, registered on August 29, 2006, in classes 18, 24 and 25.
- International trademark registration No. 875059 (designating Australia, Japan, Switzerland, China, Republic of Korea and the United States of America) for BELLEROSE, registered on December 14, 2005, in classes 18, 24 and 25.

The Complainant is the owner of the domain name <bellerose.be>, registered on November 10, 1998.

The Respondent was identified as guan men from China.

The disputed domain name <belleroseus.com> was registered on August 3, 2022. It resolves to a website which features the Complainant's photos. These photos have been copied from the official website of the Complainant. The website also shows BELLEROSE trademark and the Complainant's logo, and it offers products for sale at discounted prices under the BELLEROSE trademark and products from third party trademarks.

#### **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.

The Complainant argues that the disputed domain name <belleroseus.com> is identical or confusingly similar to the trademarks BELLEROSE.

The disputed domain name resolves to a website that impersonates the Complainant, offering products under the BELLEROSE trademark for sale. This website features the Complainant's BELLEROSE trademark and logo. The website also contains the Complainant's photos, which have been copied from the Complainant's official website without authorization.

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 related to the disputed domain name with the Complainant's prior trademarks.

Moreover, the Complainant stresses that the Respondent is not commonly known by the name "bellerose".

According to the Complainant, it has prior rights over the trademarks BELLEROSE, 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 BELLEROSE 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**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to the trademarks or service marks 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 being used in bad faith.

### **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 entirety of the mark is reproduced within the disputed domain name with the addition of the element "us," which stands for United States. 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 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.

Having reviewed the available record, the Panel finds that 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 Panel notes that the nature of the disputed domain name along with the content of the website (reproducing the Complainant's BELLEROSE trademark in its entirety), indicates the Respondent's intention to create a risk of affiliation or association with the Complainant and its trademark.

The Panel understands that the use of a domain name for illegal activity, claimed as phishing and impersonation, can never confer rights or legitimate interests on the 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 at the time the disputed domain name was registered, the Respondent was clearly aware of the BELLEROSE trademarks as the Complainant's trademark registrations as well as its domain name predate the registration date of the disputed domain name. The Panel notes that the Respondent tries to impersonate the Complainant's website, as well as its logo, selling products under the BELLEROSE trademark, causing harm to the reputation of the Complainant.

The composition of the disputed domain name including the term "us" increases the level of confusing similarity with the Complainant's trademarks and goods, as it falsely indicates that it is a Complainant's website from the United States.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's BELLEROSE trademark. [WIPO Overview 3.0](#), section 3.1.4.

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 <belleroseus.com> be transferred to the Complainant.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: March 8, 2024