

ADMINISTRATIVE PANEL DECISION

INTERPARFUMS v. ANDRES VALLVERDU

Case No. D2024-0827

1. The Parties

The Complainant is INTERPARFUMS, France, represented internally.

The Respondent is ANDRES VALLVERDU, Spain.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 23, 2024. On February 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 2024, 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 (NC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 2024, 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 February 27, 2024.

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 March 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 4, 2024. The Respondent subsequently sent an informal communication to the Center on the same day.

The Center appointed Adam Taylor as the sole panelist in this matter on April 11, 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 the INTERPARFUMS international group of companies that has supplied perfumes and related products since 1982.

The Complainant owns a number of registered trade marks for INTER PARFUMS including French trade mark No. 99781389, registered on September 3, 1999, in classes 3, 18, and 24.

The Complainant operates a website at “www.interparfums.fr”. The Complainant also owns the domain name <interparfums.com>, which redirects to “www.interparfums.fr”.

The disputed domain name was registered on October 26, 2021.

As of February 22, 2024, the disputed domain name resolved to a website that was branded “InterPERFUMS”, and was purportedly an information site about a new perfumes company allegedly located in Panama and part of the “INTERDIST Group”.

5. Parties’ Contentions

A. Complainant

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

Notably, the Complainant contends that: the disputed domain name was registered to impersonate, or create an impression of association with, the Complainant for fraudulent purposes; and that there is no company registered under the names “Interperfums”, nor “Grupo INTERDIST” in Panama, nor any offices at the address indicated on the Respondent’s website.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions. Instead, the Respondent sent the following email to the Center on April 4, 2024:

“We do not know who you are and logically the reason since the company you indicate we do not know who you are either.

The domain that you indicate is acquired at the time, the name does not correspond with the one that this company has and, if it had been interested in the same one, it could have acquired it.

About this company, at the appropriate time, you will be informed in relation to the trademark they intend to appropriate and we have the right to have it, regardless of its acquisition at the time (years ago).

If there is any information in this regard, we understand that it is ICANN who should contact us, who will be given the answers in this regard and the incompatibilities of that company to use our domain.”

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

A. Late Response - Preliminary Issue

The Respondent's informal Response was received one day after the due date.

Paragraph 10(d) of the Rules provides that the Panel shall consider the admissibility, relevance, materiality and weight of the evidence.

Given that the delay was relatively short, and that the Complainant has not objected to its admission, the Panel has decided to admit the late Response.

B. 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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognisable within the disputed domain name, as they are identical apart from the substitution of "a" for "e". Furthermore, a domain name that consists of a common, obvious, or intentional misspelling of a trade mark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognisable aspects of the relevant mark. Examples of such typos are said to include substitution of similar-appearing characters. [WIPO Overview 3.0](#), section 1.9. 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.

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.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised 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.

As explained below the Panel considers that the Respondent has used the disputed domain name to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of the website.

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

D. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes the following:

1. As discussed in section 6B above, the disputed domain name appears to be a typo-squatting version of the Complainant's distinctive mark.
2. The Respondent claims to operate in the same industry as the Complainant.
3. Accordingly, despite the Respondent's apparent denial, it seems likely that the Respondent was aware of the Complainant when it registered the disputed domain name.
4. The Respondent appears to claim that it intends to apply for a trade mark and to generally assert that it has the right to own the disputed domain name, but the Respondent has not: explained exactly why it selected the disputed domain name; provided any evidence of legitimacy; sought to counter the Complainant's evidence that there are no Panamanian companies using the names given on the website nor any offices at the address given; nor contested the Complainant's assertion that the Respondent likely registered and used the disputed domain name for fraudulent purposes.

Accordingly, the Panel considers on the balance of probabilities that the Respondent has registered and used the disputed domain name to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of the website.

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 <interperfums.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: April 25, 2024