

ADMINISTRATIVE PANEL DECISION

Interparfums v. Amr saraireh
Case No. D2024-2057

1. The Parties

The Complainant is Interparfums, France, internally represented.

The Respondent is Amr saraireh, Jordan.

2. The Domain Name and Registrar

The disputed domain name <rochasperfumee.com> is registered with Realtime Register B.V. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2024. On May 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 23, 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 May 23, 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 May 29, 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 June 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 27, 2024.

The Center appointed Thomas M. Legler as the sole panelist in this matter on July 4, 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 a French fashion and perfume company which has been performing its activity throughout the world since 1925 (Annex 8 and 9). It is the owner of the name "Rochas" designating a couture and perfume brand and the registrant of numerous trademarks, in particular the following (Annex 3):

- ROCHAS:

- French Trademark No. 1436306 (Classes 2, 3, 14, 16, 18, 21, 25, 26, 28, 34), registered on November 20, 1987
- United States of America Trademark No. 3110929 (Class 3), registered on July 4, 2006
- International Trademark No. 697119 (Classes 14, 18, 25), registered on July 28, 1998

- ROCHAS PARIS:

- French Trademark No. 1524013 (Classes 3, 18, 25), registered on August 18, 1988
- International Trademark No. 451949 (Classes 3, 9, 14, 18, 21, 24, 25, 34), registered on May 2, 1980

- PARFUMS ROCHAS:

- International Trademark No. 383428 (Classes 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34), registered on October 26, 1971

- EAU DE ROCHAS:

- French Trademark No. 1205436 (Class 3), dated registered on June 2, 1982
- US Trademark No. 4632631 (Class 3), registered on November 4, 2014
- International Trademark No. 579813 (Class 3), registered on December 12, 1991

- MADAME ROCHAS:

- French Trademark No. 3569628 (Classes 3, 14, 18, 25), registered on April 15, 2008
- International Trademark No. 232108 (Class 3), registered on May 27, 1980
- International Trademark No. 296451 (Classes 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34), registered on April 20, 1965

Moreover, the Complainant operates the website located at "www.rochas.com" that features information about the Complainant's activities in America, Europe and Asia (Annexes 4 and 5).

The disputed domain name has been registered on March 6, 2024 with the registrar Realtime Register B.V. It resolves to a parked website.

The Respondent having not filed a Response, nothing is known about him except his name.

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 regarding the first element that the disputed domain name is confusingly similar to the Complainant's trademarks (e.g., ROCHAS, ROCHAS PARIS, PARFUMS ROCHAS). The addition of "PERFUMEE" is non-distinctive and misleading, reinforcing the likelihood of confusion with the Complainant's trademarks.

With regard to Respondent's rights or legitimate interests, the Complainant sets out that the Respondent has no trademark or prior rights to the trademark ROCHAS, that the Complainant has not granted any license or authorization for the use of the ROCHAS trademark to the Respondent and that the disputed domain name

is inactive and parked, which constitutes passive use. This inactivity highlights the Respondent's lack of legitimate interest.

In addition, the Respondent does not meet the criteria to be considered an authorized reseller, as there is no active use or accurate disclosure of its relationship with the ROCHAS trademark holder.

As regards bad faith registration and use, the Complainant holds that the Respondent registered the disputed domain name to prevent the Complainant from using it and possibly to sell it at a profit.

Furthermore, the disputed domain name's inactivity suggests no intent for a bona fide offering of goods or services, indicating bad faith. Cases such as *INTERPARFUMS Suisse Sàrl v. David Jeffs, Communicate.com Inc.*, WIPO Case No. [D2020-1320](#), and *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#) support the claim of bad faith registration and use. In addition, in line with *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), passive holding of a domain name can constitute bad faith use.

The Complainant therefore concludes that the evidence supports that the disputed domain name is confusingly similar to the Complainant's trademarks, that the Respondent has no legitimate interest in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

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 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: "perfumee") may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 therefore 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.

Consequently, 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 does not use the disputed domain name as it does not resolve to an active website.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel therefore concludes 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 <rochasperfumee.com> be transferred to the Complainant.

/Thomas M. Legler/

Thomas M. Legler

Sole Panelist

Date: July 11, 2024