

## ADMINISTRATIVE PANEL DECISION

Louis Vuitton Malletier v. 邢苙玥 (xing ci yue)  
Case No. D2024-2228

### 1. The Parties

The Complainant is Louis Vuitton Malletier, France, represented by Studio Barbero S.p.A., Italy.

The Respondent is 邢苙玥 (xing ci yue), China.

### 2. The Domain Name and Registrar

The disputed domain name <louisvuittoncn.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 30, 2024. On May 31, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 3, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 3, 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 amendment to the Complaint in English on June 3, 2024.

On June 3, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On June 3, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on June 10, 2024. In accordance with the

Rules, paragraph 5, the due date for Response was June 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 1, 2024.

The Center appointed Francine Tan as the sole panelist in this matter on July 3, 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 house which is a part of the multinational luxury goods conglomerate, LVMH Moët Hennessy Louis Vuitton ("LVMH"). The origins of the Complainant date back to 1854 when the house of Louis Vuitton Malletier was founded in Paris by Louis Vuitton. The company originally sold canvas coated trunks. Louis Vuitton Malletier merged with Moët Hennessy to form LVMH in 1989, the LVMH group was acquired by the Arnault Group, which launched the LOUIS VUITTON fashion label in 1998.

The Complainant's products are available on its website at "www.louisvuitton.com", at company-owned Louis Vuitton boutiques, and inside luxury department stores. There are over 150 Louis Vuitton flagship stores located in Asia.

The Complainant has advertised its LOUIS VUITTON trade mark intensively in important international magazines such as Vanity Fair, Elle, Glamour, and Vogue. It has also collaborated with celebrities such as Jennifer Lopez, Madonna, Sean Connery, and Angelina Jolie, and has a strong social media presence through Facebook, X, Instagram, YouTube, Pinterest, and LinkedIn. The LOUIS VUITTON trade mark was valued in 2023 at USD 46,543 million.

The Complainant is the owner of the LOUIS VUITTON trade mark worldwide. Its registrations include the following:

- International Trade Mark Registration No. 416052, registered on June 19, 1975;
- International Trade Mark Registration No. 1096591, registered on April 6, 2011;
- European Union Trade Mark Registration No. 000015610, registered on March 16, 1998;
- China Trade Mark Registration No. 241017, registered on January 15, 1986; and
- China Trade Mark Registration No. 241019, registered on January 15, 1986.

The Complainant owns and operates various domain names, including its primary domain name <louisvuitton.com>, which was registered on February 18, 1997.

The disputed domain name was registered on June 13, 2023, and resolves to an inactive website.

A cease-and-desist letter was sent to the Respondent via the online contact form available on the Registrar's website and by email to the Registrar's email address. Despite the letter and subsequent reminders sent, the Respondent did not respond to any of the communications.

## 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. More specifically:

- the disputed domain name is confusingly similar to the LOUIS VUITTON trade mark in which the Complainant has rights. The disputed domain name incorporates the whole of the Complainant's LOUIS VUITTON trade mark with the addition of the letters "cn". The letters "cn" is an abbreviation and the country code Top-Level Domain for China. The letters "cn" do not prevent a finding of confusing similarity but in fact increases confusion with the Complainant's trade mark as it would be understood to be a geographical indicator. The addition of the generic Top-Level Domain ".com" is a standard requirement and is to be disregarded in the determination of confusing similarity.
- the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not a licensee or authorized agent of the Complainant, and has not been authorized to use the Complainant's trade marks. There is no evidence in the Complainant's possession or awareness that the Respondent might be commonly known by the disputed domain name. There is no evidence that the Respondent is preparing to use the disputed domain name in connection with a bona fide offering of goods or services. The Respondent's passive use of the disputed domain name does not constitute a legitimate noncommercial or fair use of the disputed domain name. Further, the Respondent's addition of the suffix "cn" is misleading and carries a high risk of implied affiliation with the Complainant. Further, the Respondent did not reply to the Complainant's cease-and-desist letter, which amounts to an admission of the Complainant's allegations.
- the disputed domain name was registered and is being used in bad faith. The Complainant's distinctive LOUIS VUITTON trade mark is well known and has been used extensively globally since the 1850s. The Respondent was undoubtedly aware of the Complainant and its LOUIS VUITTON trade mark at the time of registering the disputed domain name. The misappropriation of a well-known trade mark as a domain name is by itself evidence of bad faith registration despite the passive holding. The Respondent set up **mail exchange** (MX) records for the disputed domain name, which means that it might be used for, or in the future be used for, fraudulent email communications. There is no conceivable good faith use to which the Respondent could put the disputed domain name.

### B. Respondent

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

## 6. Discussion and Findings

### 6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the following:

- the Complainant communicates in English and would be prejudiced if it were required to translate the Complaint and participate in the proceeding in Chinese;

- requiring the Complainant to translate the Complaint and all documents into Chinese would cause delay to the proceeding; and
- the disputed domain name is registered in Latin characters which suggests that the Respondent may be familiar with the English language, which is the most used language to communicate internationally.

The Respondent did not respond on the issue of the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as evidence showing that the respondent can understand the language of the complaint, the language/script of the dispute domain name, any content on the webpage under the disputed domain name, and potential unfairness or unwarranted delay in ordering the translation of the complaint (see WIPO Overview of WIPO Panel views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The disputed domain name comprises Latin characters and essentially the Complainant’s well-known LOUIS VUITTON trade mark in its entirety with the addition of the letters “cn” which are a widely-known abbreviation for “China”, which corresponds to where the Respondent appears to be located. The Panel is persuaded that the Respondent is familiar with the English language, having made what appears to be a deliberate attempt to “communicate” to Internet users the message that the disputed domain name relates to a website connected with the Complainant’s business in China or which is catered to customers or prospective customers in China. Moreover, the Respondent could have opted to respond in the proceeding in the Chinese language but did not. The Panel does not find any merit for delaying the proceeding or burdening the Complainant with the costs stemming from an order for the Complaint to be translated into Chinese.

## **6.2 Substantive Issues**

### **A. Identical or Confusingly Similar**

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark for the purposes of the Policy. The entirety of the LOUIS VUITTON mark is reproduced within the disputed domain name. The Panel finds the addition of the letters “cn” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

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 establishes 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. There is no evidence that the Respondent is commonly known by the disputed domain name or that he or she was licensed or authorized by the Complainant to use the LOUIS VUITTON trade mark or to register the disputed domain name.

The prima facie case has not been rebutted by the Respondent. Furthermore, the Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. Bearing in mind the worldwide fame of the LOUIS VUITTON trade mark, it would in fact be difficult to envisage any rights or legitimate interests the Respondent might have in the disputed domain name, short of the Respondent having been licensed or authorized by the Complainant.

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

### **C. Registered and Used in Bad Faith**

The Panel finds this case to be a typical case of cybersquatting. The disputed domain name incorporates the entirety of the Complainant's distinctive and well-known trade mark. The Panel is persuaded that the Respondent knew of and targeted the Complainant and its LOUIS VUITTON trade mark at the time he or she registered the disputed domain name.

Having considered the high level of distinctiveness and reputation of the Complainant's trade mark, the failure of the Respondent to submit a response or provide evidence of actual or contemplated good-faith use, the composition of the disputed domain name, the Respondent's failure to respond to the Complainant's cease-and-desist letter, and the implausibility of any good faith use to which the disputed domain name may be put especially noting the disputed domain name is inherently misleading, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3. Accordingly, the Panel concludes that the disputed domain name has been registered and used in bad faith.

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 <louisvuittoncn.com> be transferred to the Complainant.

*/Francine Tan/*

**Francine Tan**

Sole Panelist

Date: July 9, 2024