

## **ADMINISTRATIVE PANEL DECISION**

### **France Televisions v. Mihaela Sinclair**

### **Case No. D2024-2764**

#### **1. The Parties**

The Complainant is France Televisions, France, represented by Cabinet Lavoix, France.

The Respondent is Mihaela Sinclair, Romania.

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

The disputed domain names <francetvinfo.pics> and <francetvinfo.quest> (the “Domain Names”) are registered with Porkbun LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2024. On July 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On July 9, 2024, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 July 17, 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 July 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 6, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on September 13, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is the French national public television broadcaster. It is a state-owned company formed from the integration of the public television channels France 2 and France 3, later joined by France 4, France 5 and France Info.

The Complainant holds registrations of the trademark FRANCE TV, such as French trademark No. 3827939 registered on August 26, 2011, and International trademark FRANCE TV No. 1109946 of November 2, 2011. The Complainant has registered several domain names, such as <francetvinfo.fr> on August 25, 2008. The Complainant's trademarks and domain names predate the registration of the Domain Names.

The Domain Names were registered on February 17, 2024 and on March 8, 2024. The Domain Names have redirected to the same gambling page. They still do at the time of drafting the Decision.

#### **5. Parties' Contentions**

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

The Complainant argues for consolidation of the two Domain Names into the same case as both Domain Names are under common control.

The Complainant provides evidence of trademark registrations and argues that the trademark is well known. The Complainant argues that the Domain Names are confusingly similar to the Complainant's trademark as they reproduce the Complainant's trademark with the additional term "info". The addition only increases the likelihood of confusion since it refers to one activity of the Complainant.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Respondent has no relation with the Complainant and its trademark. The Respondent has not made any demonstrable preparations to use the Domain Names in connection with a bona fide offering of goods or services. The Respondent's use - to divert Internet users to a gambling website – cannot give rise to legitimate interests under the Policy.

The Complainant argues that its trademarks have a strong reputation. The Respondent takes advantage of the Complainant's reputation and is likely to confuse Internet users. It presents a high risk of damage to the reputation of the Complainant. The Respondent has hidden its identity by using a privacy service, which is further indication of bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

After the Registrar has revealed the registrant details behind the privacy service and confirmed that both Domain Names are held by the same registrant, the Respondent, it is not necessary for the Panel to consider the Complainant's request for consolidation.

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

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 Domain Names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademark FRANCE TV. In this case, the Domain Names incorporate the Complainant's trademark with the addition of the term "info". The addition does not prevent a finding of confusing similarity between the Domain Names and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Names are confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. The Respondent's use, as described above, is rather evidence of bad faith. Finally, the Panel finds that the composition of the Domain Names carries a risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names in accordance with paragraph 4(a)(ii) of the Policy.

### **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.

The Respondent most likely knew the Complainant when she registered the Domain Names. It follows from the composition of the Domain Names and the fame of the Complainant's trademark.

The Respondent's use of the Domain Names makes it evident that the Respondent has registered and used the Domain Names to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

Based on the available record, 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 the Domain Names <francetvinfo.pics> and <francetvinfo.quest> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: September 19, 2024