

ADMINISTRATIVE PANEL DECISION

Centre national d'art et de culture Georges Pompidou v. Natalya Belskaya
Case No. D2024-2905

1. The Parties

The Complainant is Centre national d'art et de culture Georges Pompidou, France, represented by Nameshield, France.

The Respondent is Natalya Belskaya, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <centrepompidou.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2024. On July 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 19, 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 the same day.

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 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 14, 2024.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on August 26, 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.

Preliminary Issue: Procedural Consideration - The Respondent's location

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

The location of the Respondent as disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict on the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The Panel notes that the record shows that the Written Notice could not be delivered to the address disclosed by the Registrar in its verification. However, it appears that the Notification of Complaint's emails were delivered to the Respondent's email address, as provided by the Registrar. Therefore, there is no evidence that the case notification was not successfully received by the Respondent. In addition, the Panel also notes that the disputed domain name was recently registered on July 9, 2024.

The Panel concludes that the Respondent who is allegedly located in Ukraine has been given a fair opportunity to present its case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

4. Factual Background

The Complainant, the Centre National d'Art et de Culture ("CNAC"), commonly known as Centre Georges Pompidou, and shortened to Centre Pompidou (also known as the Pompidou Centre in English) is a complex building in the Beaubourg area of Paris. It was established in 1977. It houses the National Museum of Modern and Contemporary Art, the Public Information Library, a vast public library, a center for industrial creation, and a center for musical research and creation.

As a national museum, the Complainant is government-owned and subsidized by the French Ministry of Culture. The Complainant has had more than three million visitors and its official website (located at "www.centrepompidou.fr") received nearly 8 million visits in the year 2022.

The Complainant owns several trademarks for CENTRE POMPIDOU, such as:

- The International trademark CENTRE POMPIDOU No. 1633907 registered since June 4, 2021; and
- The European Union trademark CENTRE POMPIDOU No. 013087374 registered since December 9, 2014.

The Complainant and its affiliated companies are also the owners of domain names which include the CENTRE POMPIDOU trademark, such as: <centrepompidou.fr> registered since 1998; <centrepompidou.us> registered since 2015; <centrepompidou.com> registered since 2002 and <centrepompidou.cn> registered since 2002.

The disputed domain name <centrepompidou.com> was registered on July 9, 2024, and it is currently not active.

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.

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

First, the Complainant submits that the disputed domain name is identical or confusingly similar to the trademark registrations of the Complainant.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Third, the Complainant submits 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

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), [WIPO Overview 3.0](#), section 4.3.

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 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.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. In this case the Respondent has deleted the last letter "u" in the disputed domain name but the trademark CENTRE POMPIDOU is still recognizable within the disputed domain name.

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 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.

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 Complainant is in operation since 1977, and the mark CENTRE POMPIDOU is well known. Its domain name has been registered since 1998;
- The Respondent registered the disputed domain name with a typosquatting version of the trademark in 2024;
- Particular circumstances panels may take into account in assessing whether the respondent’s registration of a domain name is in bad faith include the nature of the domain name, e.g., a typo of a widely-known mark (here, “centrepompidou” instead of “centrepompidou”) (see [WIPO Overview 3.0](#), section 3.2.1);
- The disputed domain name is almost identical to the Complainant’s well-known trademark. The Panel infers that the Respondent must have been aware of the Complainant when the Respondent registered the disputed domain name. The Panel agrees with the Complainant that the Respondent by registering the Complainant’s trademark in the disputed domain name was seeking to create a likelihood of confusion with its trademark to mislead third parties.
- The registration under a privacy service may further indicate bad faith; and
- The disputed domain name is not in use.

Panels have found that the non-use of a domain name 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 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 <centrepompidocom> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: September 9, 2024