

## **ADMINISTRATIVE PANEL DECISION**

Maisons du Monde v. simon dufaye, sero llc  
Case No. D2024-3736

### **1. The Parties**

The Complainant is Maisons du Monde, France, represented by IP Twins, France.

The Respondent is simon dufaye, sero llc, China.

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

The disputed domain name <maisonsdumonde.org> is registered with eNom, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 13, 2024. On September 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 September 19, 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 September 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 14, 2024.

The Center appointed Steven A. Maier as the sole panelist in this matter on October 17, 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 company registered in France. It is a supplier of indoor and outdoor furniture and decoration products.

The Complainant is the owner of various registrations for the trademark MAISONS DU MONDE, including for example:

- France trademark registration number 3801838 for the word mark MAISONS DU MONDE, registered on July 22, 2011, in numerous International Classes;
- European Union trademark registration number 009810607 for the word mark MAISONS DU MONDE, registered on November 20, 2011, in numerous International Classes; and
- United States of America (“United States”) trademark registration number 5917264 for the word mark MAISONS DU MONDE, registered on November 26, 2019, in numerous International Classes.

The Complainant has been the registrant of several domain names, including <maisonsdumonde.com>, registered on July 22, 2004, which resolves to its official website.

The disputed domain name was registered on March 11, 2024.

The Complainant exhibits evidence that the disputed domain name resolves to a website with an “error” message, stating that the page cannot be accessed.

#### **5. Parties’ Contentions**

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

The Complainant submits that it operates over 300 stores in Europe and is also present in the United States, Morocco, Qatar and Dubai. It claims a significant presence on social media, with over 2.6 million likes on Facebook, nearly 500,000 likes on TikTok and more than 2.5 million followers on Instagram. It contends that its MAISONS DU MONDE trademark is therefore widely known.

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

The Complainant submits that the disputed domain name is both identical and confusingly similar to its MAISONS DU MONDE trademark, ignoring the generic Top-Level Domain (“gTLD”) “.org”, which should not be taken into consideration for the purposes of the comparison.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its MAISONS DU MONDE trademark, that the Respondent has not commonly been known by the disputed domain name and that the Respondent is not making any bona fide commercial use of the disputed domain name.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that the Respondent either knew or ought to have known of the Complainant and its trademark at the date it registered the disputed domain name, due to the significant geographic profile of the mark. It also produces evidence that the first several pages of search results against the Complainant's MAISONSDU MONDE trademark relate wholly or overwhelmingly to the Complainant (although it is not clear what search engine was used).

The Complainant contends that the Respondent's non-use of the disputed domain name should not prevent a finding of bad faith in circumstances where the disputed domain name is identical to the Complainant's trademark. It contends that an intention must be inferred to take unfair advantage of the Complainant's trademark and that it is difficult to conceive of any good faith use that the Respondent could make of the disputed domain name. The Complainant submits, in particular, that the Respondent is likely to have registered the disputed domain name either to disrupt the Complainant's business or to sell the disputed domain name to the Complainant.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

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

The Complainant has established that it is the owner of registered trademark rights in respect of the mark MAISONSDU MONDE. The entirety of that trademark is reproduced within the disputed domain name without adornment. Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.7.

The Panel therefore finds that the first element of the Policy has been established.

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

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.

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Additionally, the Respondent has failed to file a Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. In particular, the mere registration of the disputed domain name, without any further active use, cannot give rise to rights or legitimate interests on the part of the Respondent.

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

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

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant's trademark MAISONS DU MONDE is widely known in the business of outdoor furnishing and decoration. The disputed domain name is identical to both the Complainant's trademark and to its domain name <maisondumonde.com>, but for the presence of the gTLD ".org" in the disputed domain name. The Respondent has provided no explanation for its selection of the disputed domain name, and the Panel infers in this circumstance that the Respondent was aware of the Complainant's trademark (and domain name) and registered the disputed domain name with the intention of taking unfair commercial advantage of that trademark.

The "passive" holding of a domain name does not preclude a finding of use in bad faith when the overall circumstances of the case point to that conclusion. [WIPO Overview 3.0](#), section 3.3. In this case, the Panel finds that the Respondent can only realistically have registered the disputed domain name in order to impersonate the Complainant, its trademark and its domain name, since Internet users are likely to be misled into believing that the disputed domain name, and any connected website, are owned or operated by, or otherwise legitimately affiliated with the Complainant. The disputed domain name is therefore being used to take unfair commercial advantage of the Complainant's trademark.

The Panel finds in the circumstances that the disputed domain name was both registered and is being used in bad faith. The third element of the Policy has therefore been established.

### **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 <maisonsdumonde.org> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: October 22, 2024