

ADMINISTRATIVE PANEL DECISION

JULIETTE HAS A GUN v. Zhang Chang

Case No. D2024-4164

1. The Parties

The Complainant is JULIETTE HAS A GUN, France, represented by MIIP – MADE IN IP, France.

The Respondent is Zhang Chang, China.

2. The Domain Name and Registrar

The disputed domain name <juliette-has-a-gun.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 11, 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 October 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 4, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 7, 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 a French company that offers a collection of perfumes under the brand JULIETTE HAS A GUN. The perfumes are distributed in 42 countries through a network of more than 2,000 exclusive points of sale, including in China where the Respondent appears to be situated. The Complainant has reached EUR 120 million in retail sales in 2022.

The Complainant owns and uses several trademarks for JULIETTE HAS A GUN, for example European Union Trade Mark No. 0898178 (registered on August 21, 2006) and Chinese trademark No. 64170956 (registered on October 7, 2023). The Complainant also owns domain names incorporating its business name and trademarks, such as <juliettehasagun.com> (registered in 2006).

The Domain Name was registered on July 30, 2024. The Domain Name resolves to a webpage in the German language that pretends to be an official webpage of the Complainant. It reproduces the Complainant's logo, product pictures, etc., without authorization from the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations before the Domain Name was registered and argues that the Domain Name is identical to the Complainant's trademark and domain names since the only difference is the addition of hyphens which is not likely to avoid any risk of confusion with the Complainant's prior rights.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent is not affiliated with the Complainant in any way and has not been authorized by the Complainant. The Respondent's use of the Domain Name, to lure consumers to believe that they are on the Complainant's official page, is not a legitimate noncommercial or fair use of the Domain Name.

The Complainant believes the Respondent knew of the Complainant's trademark as it is well known. This knowledge is confirmed by the Respondent's use of the Complainant's logo, etc., on the Respondent's webpage. The Respondent's use of privacy shield to prevent the Complainant from knowing the identity of the actual registrant of the Domain Name is further evidence of bad faith. The Respondent's use of the Domain Name for a webpage to pretend to be the Complainant's official webpage is clear evidence of bad faith use. Moreover, mail exchange (MX) servers are set up that the Respondent could use for phishing purposes.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. Where a domain name incorporates the entirety of a

trademark, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. See 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 JULIETTE HAS A GUN. The Domain Name incorporates the Complainant's trademark with the addition of hyphens. The addition does not prevent a finding of confusing similarity as the trademark is clearly recognizable within the Domain Name. See [WIPO Overview 3.0](#), section 1.7. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ".com"; see [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. 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. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name. Based on the record, the Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. Rather, the Respondent's use of the Domain Name is evidence of bad faith, see below, and as such does not confer rights or legitimate interests upon the Respondent.

Based on the available record, 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.

The Respondent knew of the Complainant when the Respondent registered the Domain Name. It follows from the composition and use of the Domain Name. The Respondent's use of the Domain Name for a webpage that mimics the Complainant is evidence of bad faith use. The Respondent's creation of MX servers, under the circumstances of this case, affirms the finding of bad faith.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has 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 the Domain Name <juliette-has-a-gun.com> transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: November 12, 2024