

ADMINISTRATIVE PANEL DECISION

Société Anonyme des Galeries Lafayette v. Mune Sevaran
Case No. DCO2024-0037

1. The Parties

The Complainant is Société Anonyme des Galeries Lafayette, France, represented by Dreyfus & associés, France.

The Respondent is Mune Sevaran, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <gallerieslafayette.co> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2024. On May 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 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 (Domains by Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 14, 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 May 14, 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 May 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2024.

The Center appointed Alfred Meijboom as the sole panelist in this matter on June 10, 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 city-center fashion retailer, operating the well-known “Galeries Lafayette” department stores in French cities as well as in Berlin, Beijing, Jakarta, Dubai, Istanbul, Doha, Shanghai and Luxembourg. The Complainant has nearly 14,000 employees and receives more than 60 million visitors every day in its 290 stores and e-commerce websites.

The Complainant is owner of the registered trademark GALERIES LAFAYETTE around the world, including:

- European Union trademark GALERIES LAFAYETTE, with registration number 003798147 of May 19, 2006 for goods and services in classes 3, 4, 5, 7, 8, 9, 11, 14, 15, 16, 18, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 35, 36, 37, 38, 39, 41, 42, 43, 44 and 45;
- International trademark GALERIES LAFAYETTE, with registration number 1718969 of October 13, 2022 for goods and services in classes 9, 35, 41 and 42, designating, inter alia, the United States; and
- Malaysian national trademark GALERIES LAFAYETTE, with registration number 2013010524 of July 25, 2013, for goods in class 25.

The Complainant’s main website is “www.galerieslafayette.com”.

The disputed domain name was registered on March 28, 2024. The disputed domain name resolved to a website in the Dutch language which advertised an offer for work from home. Remarkably this website claims to be from “GalleriessLafayette”, i.e., “Galleriess” with double “s” compared to the disputed domain name. The disputed domain name is currently inactive.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s GALERIES LAFAYETTE trademarks as identified above (the “GALERIES LAFAYETTE Mark”) as it consists of the GALERIES LAFAYETTE Mark in full, except that the disputed domain name has an extra “l” in “galleries”, which constitutes an act of typosquatting.

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is neither affiliated with the Complainant nor has been authorized by the Complainant to use and register the GALERIES LAFAYETTE Mark, or to seek registration of any domain name incorporating said trademark. Furthermore, the Respondent cannot claim prior rights or legitimate interest in the disputed domain name as the GALERIES LAFAYETTE Mark significantly predates the registration of the disputed domain name. Before any notice of this dispute the Respondent was also not using, or had not made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services. And the disputed domain name resolved to a website reproducing a logo with the Complainant’s name, and displayed a webpage which collected personal data which displays a high risk of fraudulent activities. Moreover, the Complainant alleges that the disputed domain name constitutes typosquatting making the sole attraction of the disputed domain name its confusing similarity to the Complainant’s famous GALERIES LAFAYETTE Mark.

The Complainant alleges that the Respondent has registered the disputed domain name in bad faith as it is implausible that the Respondent was unaware of the Complainant when it registered the disputed domain name, given that the GALERIES LAFAYETTE Mark is well-known throughout the world, including in Malaysia where the Respondent is located, while the Respondent only doubled the “l” in “galleries”.

Furthermore, the Complainant alleges that the Respondent also used the disputed domain name in bad faith because in absence of a license or permission from the Complainant to use the widely known GALERIES LAFAYETTE Mark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed. The Complainant further contends that the composition of the disputed domain name is in itself evidence of an intent to misleadingly divert consumers by taking unfair advantage of the goodwill and reputation of the Complainant's GALERIES LAFAYETTE Mark. And according to the Complainant the fraudulent website which appears to offer work from home jobs and asks visitors to leave their details presents a high security risk to its customers.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a Response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in this proceeding. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove 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

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 entirety of the GALERIES LAFAYETTE Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the GALERIES LAFAYETTE Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel is satisfied that the disputed domain name consists of an intentional misspelling of the GALERIES LAFAYETTE Mark, which 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).

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.

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 further notes the composition of the disputed domain name, incorporating the Complainant’s GALERIES LAFAYETTE Mark almost in its entirety with a misspelling (adding an “l”), points to an intention to confuse Internet users seeking for or expecting the Complainant.

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 Panel concurs with many other UDRP panels who have found the GALERIES LAFAYETTE Mark to have a worldwide reputation (e.g., *Société Anonyme des Galeries Lafayette v. Domain Admin/ PrivacyProtect.org and Tech Domain Services Private Limited*, WIPO Case No. [D2012-0487](#); *Société Anonyme des Galeries Lafayette v. Eac International Co., Limited Jiaai*, WIPO Case No. [D2014-0647](#); and *Société Anonyme des Galeries Lafayette v. James Moore, Resemin*, WIPO Case No. [D2022-2957](#)). From the GALERIES LAFAYETTE Mark’s reputation, in absence of the Respondent’s rebuttal, the Panel infers that the Respondent must have had the Complainant’s GALERIES LAFAYETTE Mark in mind when it registered the disputed domain name, which makes the registration of the disputed domain name in bad faith.

Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel infers from the contents of the website to which the disputed domain name resolved that the Respondent, more likely than not, sought to take advantage of visitors’ possible gullibility to leave their personal data, or to get in touch with them. In the absence of any other explanation, which the Respondent did not provide, the Panel finds it plausible that the Respondent intended to take advantage thereof.

The fact that the disputed domain name is currently inactive does not change the Panel’s finding on bad faith. 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. Having reviewed the available record, the Panel finds the current non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been

considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the GALERIES LAFAYETTE Mark, and the composition of the disputed domain name, in addition to the Respondent's previous likely unlawful use of the disputed domain name, and finds that in the circumstances of this case the current 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 <gallerieslafayette.co> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: June 24, 2024