

## **ADMINISTRATIVE PANEL DECISION**

IM Production v. TENGFEI WANG, PremiumDomainSeller  
Case No. DME2022-0024

### **1. The Parties**

The Complainant is IM Production, France, represented by Nameshield, France.

The Respondent is TENGFEI WANG, PremiumDomainSeller, China.

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

The disputed domain name <isabelmarant.me> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 22, 2022. On November 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 23, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 December 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 4, 2023.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on January 13, 2023. 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 French company which manufactures and markets of ready-to-wear, shoes, handbags and jewelry. The Complainant markets these products under the brand ISABEL MARANT, and now has stores around the world.

The Complainant owns a large portfolio of trademarks including the wording ISABEL MARANT in several countries, such as the International trademark registration No. 1284453, ISABEL MARANT, registered on November 16, 2015, and the European Union Trade Mark No. 001035534, ISABEL MARANT, registered on May 3, 2000.

The Complainant registered its domain name <isabelmarant.com> on April 20, 2002.

The disputed domain name <isabelmarant.me> was registered on November 3, 2022 and resolves to a website where it is on sale for USD 1,450.

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

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

The disputed domain name is identical to its well-known and distinctive trademark ISABEL MARANT and its domain names associated. Past panels commonly state that the country code Top-Level Domain ("ccTLD") is not relevant in the appreciation of confusing similarity.

The Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. The Respondent is not known by the Complainant. The Respondent is not affiliated with nor authorized by the Complainant in any way. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark ISABEL MARANT or apply for registration of the disputed domain name. The disputed domain name points to a web page where the domain name is offered for sale for USD 1,450. This general offer to sell the disputed domain name evidences the Respondent's lack of rights or legitimate interest.

The ISABEL MARANT trademark was registered several years before the registration of the disputed domain name. Thus, given the distinctiveness of the Complainant's trademark and its reputation, it is reasonable to infer that the Respondent has registered and used the domain name with full knowledge of the Complainant's trademark.

The Complainant claims that the Respondent fails to make an active use of the disputed domain name. Past panels have held that failure to actively use a domain name is evidence of bad faith registration and use. The Respondent has registered the disputed domain name only in order to sell it back for out-of-pocket costs, which evinces bad faith registration and use.

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

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

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the ISABEL MARANT mark. The disputed domain name wholly incorporates the ISABEL MARANT mark, with the ccTLD “.me”. The ccTLD “.me” is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.

Accordingly, the disputed domain name is identical to a mark in which the Complainant has rights.

### B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the Respondent has not been commonly known by the disputed domain name. The fact that the Respondent obtained the disputed domain name years after the Complainant had begun using its internationally recognized ISABEL MARANT mark, indicates that the Respondent sought to piggyback on the mark for illegitimate reasons.

After a complainant has made a *prima facie* case, the burden of production shifts to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the disputed domain name, and rather the nature of the disputed domain name itself, being identical to the Complainant’s well-known ISABEL MARANT mark, suggests that it was registered to effectively impersonate or falsely suggest sponsorship or endorsement by the Complainant (see section 2.5.1 of the [WIPO Overview 3.0](#)).

In absence of any evidence rebutting the Complainant’s *prima facie* case indicating the Respondent’s lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The disputed domain name was registered years after the Complainant first registered and used its ISABEL MARANT mark. The evidence provided by the Complainant with respect to the extent of use and global recognition of its ISABEL MARANT mark combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, the Respondent undoubtedly knew of the Complainant’s widely known ISABEL MARANT mark, and knew it had no rights or legitimate interests in the disputed domain name. Moreover, the identical nature of the disputed domain name further supports such an inference.

The Respondent’s use and registration of the disputed domain name is clearly in bad faith. The Complainant has submitted evidence that there is a high likelihood of confusion with the disputed domain name and the Complainant’s mark. Further, the offering of the disputed domain name for USD 1,450 is most likely based on the similarity of the disputed domain name to the ISABEL MARANT mark.

The Panel is unable to determine any plausible good faith reason for the Respondent to have registered the disputed domain name other than to extract money from the Complainant.

Here the Complainant submitted evidence that its ISABEL MARANT mark has been used for more almost 20 years. The Respondent has not offered any evidence to rebut this conclusion, nor has it provided any evidence of its intended use of the disputed domain name. In fact, the Respondent is not using the disputed domain Name in any manner to demonstrate a *bona fide* use or potential use, rather it is being offered for

sale for an excessive cost. Given these circumstances, the Panel finds the Respondent registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant, or a competitor of the Complainant, for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name, and so satisfies the requirement of paragraph 4(b)(i) of the Policy that the disputed domain name was registered and is being used in bad faith by the Respondent.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <isabelmarant.me> be transferred to the Complainant.

*/Colin O'Brien/*

**Colin O'Brien**

Sole Panelist

Date: January 27, 2023