



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 9A8B7F26

Determination DEFAULT

I. PARTIES

Complainant(s): LA REDOUTE, France
Complainant's authorized representative: Domgate, France

Respondent(s): Domain Privacy (Domain Name Privacy Inc), Cyprus

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name: la-redoute.vip
Registry Operator: Go Montenegro Domains, LLC
Registrar: Communigal Communication Ltd

III. PROCEDURAL HISTORY

Complaint submitted: 19 February 2025
Lock of the domain name(s): 28 February 2025
Notice of Complaint: 28 February 2025
Default Date: 14 March 2025
Notice of Default: 15 March 2025
Panel Appointed: 15 March 2025
Default Determination issued: 17 March 2025

IV. EXAMINER

Examiner's Name: Igor Motsnyi

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

1. The Complainant claims that it is a French multi-channel retailer founded in 1837. It specializes in ready-to-wear apparel and home décor. The Complainant states that it currently has 10 million customers and operates in 26 countries. It is the second largest seller of women's apparel and the third largest seller of linens in France. Its e-commerce site www.laredoute.com is the top ranked French site for apparel and home decor, with more than 7 million unique visitors each month. The Complainant owns a portfolio of “LA REDOUTE” trademarks registered all over the world and its “LA REDOUTE” mark is registered in the Trademark Clearinghouse. The Complainant is also the holder of several “LAREDOUTE” domain names as both gTLDs and ccTLDs such as <laredoute.com>. The disputed domain name was registered on January 23, 2025.

The Complainant submits that the disputed domain name is identical to its “LA REDOUTE” mark. The <.vip> TLD does not affect the identity between the disputed domain name and the Complainant's trademark. In the Complainant's opinion, it will rather be understood by the relevant public as a descriptive term.

2. The Complainant states that the Respondent is not known by the disputed domain name or any term related to the disputed domain name. No license or permission of any kind has been given by the Complainant to the Respondent to use the Complainant's trademarks in the disputed domain name.
3. The Complainant claims that “LA REDOUTE” is not an existing word but an invented term so it is not conceivable to imagine that the Respondent was not aware about the trademark when he registered the disputed domain name. The disputed domain name resolves to a web page with PPC links. The Complainant claims that this indicates Respondent's intent to obtain financial gain. The disputed domain name is also for sale on “Sedo” for the amount of 2,888 USD. According to the Complainant, the Respondent registered and is using the disputed domain name to make profit from the confusion with the “LA REDOUTE” trademarks. Therefore, the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent:

The Respondent did not submit a Response.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.



D. Findings of fact:

The disputed domain name was registered on January 23, 2025.

The disputed domain name resolves to a web page with PPC links. The disputed domain name is also offered for sale.

The Complainant relies on the following “LA REDOUTE” trademark registrations:

- European Union word trademark registration “LA REDOUTE” No. 000659151, filing date – October 03, 1997, registration date – August 16, 1999 and
- International trademark registration under the “Madrid” system “LA REDOUTE” No. 471825 (figurative and word), registration date – October 08, 1982.

The Complainant provided evidence that its trademarks referred to above are in use such as “Trademark Clearinghouse” record (“SMD” file) and screenshots of various websites.

E. Reasoning:

1. The domain name(s) is(are) identical or confusingly similar to a word mark

The Complainant has provided proof of its registered word trademark “LA REDOUTE” in the EU and the international trademark registration “LA REDOUTE” with a dominant word element and proof of use of its trademark.

Therefore, the Complainant proved its trademark rights and that its word trademarks are in use.

The disputed domain name contains the “LA REDOUTE” mark separated by a hyphen in its entirety without any other additional elements plus the gTLD <vip>.

As provided in the “WIPO Overview of WIPO Panel Views on Selected UDRP Questions”, Third Edition (“WIPO Overview 3.0”) the test “for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name” (sec. 1.7).

The disputed domain name is identical or at least confusingly similar to the “LA REDOUTE” mark as it has no elements other than “LA REDOUTE” and a hyphen.

The <.vip> gTLD does not affect finding that the disputed domain name is identical or confusingly similar to the Complainant’s mark.

The Examiner finds that the requirements set forth under Paragraph 1.2.6.1. of the URS Procedure have been satisfied.

2. Respondent has no rights or legitimate interests to the domain name(s)

The Complainant is required to make out a prima facie case that the Respondent lacks legitimate right or interest; and once such prima facie case is made, the burden shifts to the Respondent who has to demonstrate his/her legitimate right or interest.

The Complainant has made a prima facie case. The Respondent has failed to respond.

The Respondent is not authorized by the Complainant to use its trademarks in the disputed domain name and the Respondent is not known by the disputed domain name.

While PPC links or offering the domain name for sale can, in certain circumstances, constitute legitimate activity, this is not the case here when the disputed domain name is identical or at least confusingly similar to the Complainant's mark and does not contain any other word elements except "LA REDOUTE". The Complainant's mark enjoys a strong reputation and has a long history dating back to 1837.

There is no evidence that would demonstrate any legitimate right or interest of the Respondent in the disputed domain name such as legitimate or fair use (e.g. criticism).

Based on the above, the Examiner finds that the Respondent lacks any legitimate right or legitimate interest with respect to the disputed domain name as per the requirements set forth under Paragraph 1.2.6.2. of the URS Procedure.

3. The domain name(s) was(were) registered and is(are) being used in bad faith

The Examiner finds that the Complainant has provided clear and convincing evidence of Respondent's bad faith registration and use of the disputed domain name.

As provided in WIPO Overview 3.0, sec. 3.1: "bad faith is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark" and "evidence demonstrating that a respondent seeks to take unfair advantage of or abuse the complainant's trademark would also satisfy the complainant's burden".

The Examiner finds bad faith registration and use of the disputed domain name based on the following:

- Timing of registration of the disputed domain name and nature of the disputed domain name. The disputed domain name was registered on January 23, 2025, decades after the Complainant started its business and obtained protection for its trademarks. The disputed domain name fully incorporates the Complainant's trademark and the trademark can be considered distinctive and strong given the evidence provided by the Complainant. Given the Complainant's activity (apparel and home décor) the <.vip> gTLD can actually increase confusion as it may indicate connection between the disputed domain name and the Complainant and indicate some sort of a special treatment ("VIP treatment").
- Evidence that the disputed domain name is offered for sale in the circumstances of this dispute, including the nature of the disputed domain name and the distinctiveness of the Complainant's trademark, indicates bad faith (see also sec. 3.1.1 of WIPO Overview). The Examiner appreciates that registering domain names for subsequent resale does not establish bad faith *per se* and such activity is legitimate, if there is no targeting of a trademark owner. Price *per se* also does not establish bad faith. However, this is not the



case in this dispute as evidence provided to the Examiner indicates targeting with intent to take unfair advantage of the Complainant's mark.

- Use of the disputed domain name for PPC landing page, while *per se* is not indicative of bad faith, in the circumstances of this dispute, is another evidence of bad faith given the absence of any legitimate right or interest of the Respondent, nature of the disputed domain name and strength of the Complainant's mark.
- Given all of the above, any good faith use of the disputed domain name by the Respondent is implausible (see also URS Dispute No. F89B09C9: *"In the circumstances of such a well reputed trademark that has been used internationally for many decades, the Panel finds that it is highly implausible that the Respondent could seek to put the Disputed Domain Name to any good faith use. This is particularly evident given that the Disputed Domain Name redirects to a GoDaddy page, where it is advertised for sale at an inflated price. It appears that the Respondent has most likely registered the Disputed Domain Name with a view to re-selling it at a profit in excess of the registration costs. Additionally, the website contains "pay-per-click" links, which are evidently aimed at generating unfair commercial gain..."*).

Based on the above, the Examiner finds bad faith under par. 1.2.6.3 a. (*"registration primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant or to a competitor of that complainant..."*) and par. 1.2.6.3 d. (*"by using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant's web site or other on-line location, by creating a likelihood of confusion with the complainant's mark..."*) of the URS Procedure.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name:

Suspends for the balance of the registration period

C. Abuse of proceedings

Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Igor

Surname: Motsnyi

Date: 17 March 2025