



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

**URS DISPUTE NO. 0763BAF8**

Determination DEFAULT

**I. PARTIES**

Complainant(s): Pegase (FR)

Complainant's authorized representative: MIIP - MADE IN IP (FR)

Respondent(s): Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot (US)

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

Domain Name: LAHALLEOUTLETS.SHOP

Registry Operator: GMO Registry, Inc.

Registrar: Dynadot Inc

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-11-28 11:27

Lock of the domain name(s): 2023-11-30 02:13

Notice of Complaint: 2023-11-30 11:27

Default Date: 2023-12-15 00:00

Notice of Default: 2023-12-26 21:40

Panel Appointed: 2023-12-26 21:41

Default Determination issued: 2023-12-29 18:02

**IV. EXAMINER**

Examiner's Name: Eugénie Chaumont

The Examiner certifies that she has acted independently and impartially and to the best of her 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:**

The Complainant is a company organized under the laws of France and is active in the fashion industry.

It owns many trademarks registered all around the world, including LA HALLE, a renowned brand of women, men and children fashion and the following three trademark registrations:

- International word mark, LA HALLE AUX VETEMENTS, registration number: 486315, registration date: July 6, 1984, status: active, in class 25 for footwears;
- International word/design mark, LA HALLE Mode, Chaussures & Maroquinerie, registration number: 1213360, registration date: April 10, 2014, status: active; in classes 18 (bags), 25 (Clothing, footwear, headgear) and 35 for retail sale services;
- International word/design mark LA HALLE Fashion, Shoes & Bags, registration number: 1254519, registration date: March 19, 2015, status: active, in classes 18 (handbags), 25 (Clothing, footwear, headgear, shirts; clothing of leather or imitation of leather; belts (clothing); furs (clothing); gloves (clothing); scarves; neckties; hosiery; socks; bedroom slippers; beach, ski or sports footwear; underwear) and 35 (retail sale services).

It also owns several fashion brands sold in the La Halle stores like LH, LIBERTO, CREEKS and MOSQUITOS for which it also owns trademark rights.

The Complainant asserts the following:

1. The contested domain name reproduces the Complainant's LA HALLE trademark in a leading position in association with the descriptive term "OUTLETS". The disputed domain name features the word mark LA HALLE in its entirety. The additional element "OUTLETS" does not add any distinctiveness as it indicates to the consumers that they will find articles at discounted prices (generally former collections). It does not add any distinctiveness, and has no other purpose than to mislead the consumers, and to make them believe that the disputed domain name is owned by the Complainant or, is affiliated with the latter.
2. The Respondent has no rights or legitimate interest in respect of the disputed domain name. Indeed, the Respondent has not been authorized by the Complainant to use the LA HALLE trademark (as LH, CREEKS, LIBERTO or MOSQUITOS trademarks) or to register any domain name incorporating the LA HALLE trademark. There is no legal or business relationship between the Complainant and the Respondent. The Respondent has no prior rights such as trademarks or legitimate interests in the disputed domain name as it registered the disputed domain name after the Complainant had registered his LA HALLE trademarks and domain names. In particular, the disputed domain name is used in connection with a fraudulent website which reproduces the Complainant's website (trademark, logo, pictures, about us section, etc.).
3. The disputed domain name is used in bad faith since the Respondent has intentionally intended to attract consumers by using the LA HALLE trademark in the domain name. The Respondent reproduces the general appearance of the Complainant's official website and claims to offer not only LA HALLE goods, but also LH, LIBERTO, CREEKS and MOSQUITOS items at bargain prices in order to attract the consumer and carry out scams. WIPO Panels have constantly held that such a use is "emblematic of bad faith use of the disputed domain name" (see Case No. D2021-3719 WIPO Jan. 19, 2022). On the home page of the website, the Respondent presents itself as the official LA HALLE boutique,



which shows the evident bad faith of the Respondent. As a reminder, the Respondent has never been authorized by the Complainant. Moreover, when registering the contested domain name, the Respondent employed a privacy service in order to hide its identity and avoid to be notified by a complaint. It is, therefore, in the public interest to suspend the disputed domain name.

**B. Respondent:**

The Respondent did not submit a Response to the Complaint.

**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 registration date of the disputed domain name is November 20, 2023.

According to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

Even though the Respondent has defaulted, Paragraph 1.2.6 of the URS Procedure requires the Complainant to make a prima facie case, proven by clear and convincing evidence, for each of the following three elements to obtain an order that a domain name should be suspended.

For the Complainant to succeed, it must establish that each of the three following conditions under Paragraph 1.2.6 of the URS Procedure are satisfied:

- That the disputed domain name is identical or confusingly similar to a word mark;
- That the Registrant has no legitimate right or interest to the disputed domain name;
- That the disputed domain name was registered and is being used in bad faith.

**E. Reasoning:**

For the Complainant to succeed, it must establish that each of the three conditions under Paragraph 1.2.6 of the URS Procedure are satisfied.

The burden of proof shall be clear and convincing evidence.

To conclude in favor of the Complainant, a Determination shall be rendered that there is no genuine issue of material fact.

The Examiner noticed that the Complainant omitted to translate most of the documents submitted in French into the language of the proceedings. Indeed, no translation in English is

furnished for some of the trademarks, the printout of the Complainant's website, and the website associated with the disputed domain.

The Examiner considers that the evidence in the present case is sufficiently clear and determines to not exclude the non-translated documents.

### **1. The domain name is identical or confusingly similar to a word mark**

The Complainant claims that the disputed domain name features the word mark LA HALLE in its entirety but none of the listed and annexed trademarks correspond to this description.

The Complainant relied on three trademarks in his Complaint, all of them containing the dominant and distinctive element "LA HALLE". The additional words contained in the trademarks correspond to generic terms in French language regarding the goods covered by the trademarks ("vêtements" is the French word for clothes and "Mode, Chaussures & Maroquinerie" are the French words for Fashion, shoes and leather goods).

The printout of the Complainant website constitutes sufficient proof of use of the trademarks even if in a modified form.

The Examiner confirms that the second element of the disputed domain name, the term "OUTLETS" is descriptive for a clothing trademark. Indeed, it designates a type of store where manufacturers sell products like clothes directly to consumers at discounted prices.

In addition, the Examiner finds that the ".SHOP" new generic top-level domain ("new gTLD") does not prevent the finding of confusing similarity under the first element. The Examiner considers that this new gTLD enhances and reinforces confusion among Internet users looking for clothes with discounted prices. Indeed, several URS and UDRP decisions concerns .SHOP domains.

Accordingly, the Examiner finds that the disputed domain name is confusingly similar to the Complainant's trademarks, and the Complainant has succeeded under Paragraph 1.2.6.1 of the URS Procedure.

### **2. Respondent has no rights or legitimate interests to the domain name**

There is no evidence that the Respondent is known by the disputed domain name.

The disputed domain name was registered anonymously, and such circumstance may be regarded by the Examiner as an indication that the Respondent intended to hide its identity.

The Complainant asserts that the Respondent has not been authorized by the Complainant to use its LA HALLE trademarks, nor its other trademarks (LH, CREEKS, LIBERTO or MOSQUITOS).

The Respondent is not making a legitimate noncommercial or fair use and is not in connection with a bona fide offering of goods or services.

Above all, the website attached to the domain name is a fraudulent website which reproduces the Complainant's website and sells clothes. This website is in French language only and there is even a false TRUSTED STORE mention.



The Examiner finds that the Complainant has met its burden and established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name and the Respondent has not rebutted the assertion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the domain name.

### **3. The domain name was registered and is being used in bad faith**

The disputed domain name is highly confusing with the Complainant's LA HALLE trademarks and particularly with its dominant part, LA HALLE. The generic word OUTLETS and the new generic extension .SHOP further evidences bad faith on the part of the Respondent, as it refers to the Complainant's activities in the fashion industry.

The disputed domain name is associated with a fraudulent website looking like the Complainant's official site (general appearance, pictures and logo) in French language and with even a false mention indicating that the website is a trusted store.

The above-mentioned circumstances clearly prove the Respondent's bad faith when he registered the disputed domain name and as it uses the same.

The Respondent's goal is clearly to obtain money by attracting Internet users to a counterfeiting website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location.

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.3. of the URS Procedure have been satisfied by the Complainant.

### **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: LAHALLEOUTLETS.SHOP  
Suspends for the balance of the registration period

### **C. Abuse of proceedings**

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

**SIGNATURE**

Name: Eugénie

Surname: Chaumont

Date: 2023-12-29