



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

**URS DISPUTE NO. 271772E5**

Determination DEFAULT

**I. PARTIES**

Complainant(s): Ami Paris (FR)  
Complainant's authorized representative: IP TWINS (FR)

Respondent(s): Hou Yang (CN)

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

Domain Name(s): AMI-PARIS.SHOP  
Registry Operator: GMO Registry, Inc.  
Registrar: GoDaddy.com, LLC

**III. PROCEDURAL HISTORY**

Complaint submitted: 2022-11-16 10:45  
Lock of the domain name(s): 2022-11-25 06:29  
Notice of Complaint: 2022-11-25 11:40  
Default Date: 2022-12-10 00:00  
Notice of Default: 2022-12-11 17:54  
Panel Appointed: 2022-12-11 17:57  
Default Determination issued: 2022-12-12 07:53

**IV. EXAMINER**

Examiner's Name: Paddy Tam

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:**

The Complainant, AMI PARIS, is the owner of several AMI PARIS trademarks as below:

- International trademark (fig.) No. 1383326, registered on 31 October 2017, designating goods in international classes 14, 18 and 25;
- International trademark (fig.) No. 1418777, registered on 31 May 2018, designating products in classes 18, 25 and 35;
- International trademark ami paris No. 1507316, registered on 4 October 2019, designating products in international classes 14, 18 and 25;
- French trademark AMI(E) ALEXANDRE MATTIUSSI No. 3784266, registered on 19 November 2010, duly renewed, and designating products in international classes 14, 18 and 25;
- French trademark ami paris No. 3797848, registered on 14 January 2011, duly renewed, and designating products in international classes 14, 18 and 25.

The official website of the Complainant is <https://www.amiparis.com> where AMI PARIS products are offered.

The Complainant asserts the following regarding the Respondent:

1. The registered domain name is identical or confusingly similar to a word or mark [URS 1.2.6.1]: for which the Complainant holds several international registrations and that are in current use;
2. Registrant has no legitimate right or interest to the domain name [URS 1.2.6.2];
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3].

## **B. Respondent:**

The Respondent did not file an official response within the deadline.

## **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 Complainant, AMI PARIS, is a French prêt-à-porter clothing company founded in France in 2010 by Alexandre Mattiussi. The Complainant opened stores in France, Japan, China, and the United Kingdom. AMI PARIS products are currently sold in more than 600 retail points worldwide.

The Respondent, Hou Yang, appears to be a Chinese individual.

The Registration Date of the Disputed Domain Name is 2022-05-04.

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]



## **E. Reasoning:**

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

To satisfy URS 1.2.6.1, a Complainant needs to prove its rights in a word mark and that the domain name is identical or confusingly similar to the word mark.

In the present case, the Examiner is satisfied that the Complainant is a well-known clothing manufacturer who also owns trademark registrations for AMI PARIS globally.

The Complainant claims that the Disputed Domain Name is confusingly similar to the AMI PARIS trademark and the additional hyphen “-” does not reduce the confusing similarity between Complainant’s trademark and the Disputed Domain Name.

In addition, the Examiner also finds that the “.shop” generic top-level domain (“gTLD”) does not negate the likelihood of confusion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1.

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

To satisfy URS 1.2.6.2, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Respondent is not authorized by the Complainant to register and use the Disputed Domain Name. The Complainant further asserts that a worldwide trademark search failed to reveal any trademark containing the words "ami paris" registered in the name of Respondent.

The Complainant also alleges that the Dispute Domain Name resolves to an online shop which is a servile copy of Complainant's own website. The website of Respondent offers AMI PARIS branded clothing items (including Complainant's figurative trademarks respectively constituted, for one, of a stylized heart on top of the capitalized letter "a", and for the other, of the words "ami alexandre mattiussi" laid out distinctively) with very attractive discounts (e.g., a coat six times less expensive than normal price). Complainant submits that the products thus offered are counterfeits. Respondent is intentionally trying to attract, for commercial gain, Internet users to their website by giving the false impression that the website that the Domain resolves to is legitimate.

The Examiner finds that the Complainant has 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.

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

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the disputed domain name is in bad faith.

The Complainant claims that the Respondent's offering of counterfeit AMI PARIS products for sale on the website to which the Dispute Domain Name resolves shows that the Respondent must have had knowledge of the Complainant's business and trademark and, thus, the Respondent's bad faith. Complainant submits that URS Procedure 1.2.6.3 is satisfied.

Having reviewed the screenshots of the websites resolved by the Disputed Domain Name and in the absence of a timely Response submitted by the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the AMI PARIS trademark demonstrating the bad faith registration and disrupts Complainant's business by attempting to commercially benefit from the reputation of the Complainant's AMI PARIS trademark in bad faith.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.3.

#### **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(s): AMI-PARIS.SHOP Suspends for the balance of the registration

#### C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

#### D. Publication

Publication: Publish the Determination

### **SIGNATURE**

Name: Paddy

Surname: Tam

Date: 2022-12-12