



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

**URS DISPUTE NO. 449D85F3**

Determination DEFAULT

**I. PARTIES**

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

Respondent: DeanVigil (US)

**II. THE DOMAIN NAMES, REGISTRY OPERATOR AND REGISTRAR**

Domain Name: CAROLL-SALEFR.SHOP  
Registry Operator: GMO Registry, Inc.  
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLL-SALEFR.TOP  
Registry Operator: .TOP Registry  
Registrar: Gname.com Pte. Ltd.

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-11-21 17:19  
Lock of the domain name(s): 2023-11-24 11:08  
Notice of Complaint: 2023-11-24 16:22  
Default Date: 2023-12-09 00:00  
Notice of Default: 2023-12-09 09:49  
Panel Appointed: 2023-12-09 09:49  
Default Determination issued: 2023-12-13 11:20

**IV. EXAMINER**

Examiner's Name: Alejandro Touriño Pena

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 names 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 famous French clothing brand for women, created in 1963 by Raphaël Lévy and Joseph Bigio, which sells its products via its more than 500 stores in France and abroad as well as through its website ([https://www.caroll.com/fr\\_fr/](https://www.caroll.com/fr_fr/)).

The Complainant also contends to be the owner of several trademark registrations for the term CAROLL which are identical to the disputed domain names. In particular, the Complainant is, among others, owner of the following word trademarks:

- EU Trademark “CAROLL” n° 009892431 filed on 13/04/2011 in classes 14, 18 and 25;
- International trademark “CAROLL” n°1208979 filed on 25/02/2014 in classes 18, 25 and 35 designating : AU - BH - CO - EM - GB - GE - IL - IN - KR - MG - MX - NO - NZ - OA - OM - SG - TH - TM - TN - TR - US - UZ - AL - AM - AZ - BA - BX - BY - CH - CN - DE - DZ - EG - ES - IR - IT - KG - KZ - LI - LV - MA - MD - ME - MK - PT - RS - RU - TJ - UA - VN - GB - IN - NZ - SG - US.
- French trademark “CAROLL” n°1233265 filed on 15/04/1983 in classes 18 and 25.

In Complainant’s arguments, the disputed domain names reproduce the trademark CAROLL of the Complainant in a leading position, and in association with descriptive terms SALE and the country code FR for France. The disputed domain names feature the word trademark CAROLL in its entirety. The additional descriptive elements do not add any distinctiveness, and have no other purpose than mislead the consumers, and make them believe that the disputed domain names are owned by the Complainant or, are affiliated with the latter, notably because Caroll International is a French company.

In addition to it, the Complainant further contends that the Respondent has no rights or legitimate interest in respect of the disputed domain names. Indeed, the Respondent has not been authorized by the Complainant to use the trademark CAROLL or to register any domain name incorporating the trademark CAROLL. There is no legal or business relationships between the Complainant and the Respondent. The Respondent has no prior rights such as trademarks or legitimate interests in the disputed domain names. In particular, the domain names are used in connection with fraudulent websites which reproduce the Complainant's website (trademark, logo, pictures, about us section, etc.).

Finally, the Complainant contends that the disputed domain names are used in bad faith since the Respondent has intentionally intended to attract consumers by using the trademark CAROLL in the domain names, by reproducing the general appearance of the Complainant's official website and claim to offer CAROLL items at bargain prices in order to attract the consumer and carry out scams. Moreover, when registering the disputed domain name, both the Respondent employed a privacy service in order to hide his real identity.

### **B. Respondent:**

The Respondent did not reply 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.

Since the Complaint relates to multiple domain names, the Examiner has verified that the Complainant has provided enough evidence to prove that the disputed domain names are registered by the same domain-name holder. In this regard, as provided by the Complainant, there are serious and objective reasons to think that the contended domain names are subject to common control, and that the holder of said domain names is the same:

- They are registered through the same registrar (Gname.com);
- They were registered on the same date (18/11/2023);
- There is a connection between some information provided by the WHOIS, which cannot just be random, given the reservation date of the domain names and their exploitation (registrants came from New York US, and their identities are hidden by a privacy/proxy service);
- All the disputed domain names share the identical website content which infringe the Complainant's rights and reproduce the official website of the latter associated with <caroll.com>;
- They share the same structure by reproducing the Complainant's trademark CAROLL in association with a descriptive words in relation with fashion/sales (SALE) and the country code FR for France, which is the country of origin of the Complainant;
- They all share the same IP adresses (104.18.13.222 / 104.18.12.222).

Upon MFSD's request for Registry/Registrar verification, it was confirmed that both disputed domain names were registered by the same domain-name holder identified in Dean Vigil.

#### **D. Findings of fact:**

The facts asserted by the Complainant have been supported by clear and convincing evidence and have not been contested by the Respondent.

#### **E. Reasoning:**

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.

The Respondent did not reply to the Complainant's contentions. However, a Respondent's default does not automatically result in a decision in favour of the Complainant. Indeed, in spite of Respondent's default, URS Procedure requires the Complainant to succeed to establish that each of the three following conditions under Paragraph 1.2.6 of the URS Procedure are satisfied:

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

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

The Complainant is the owner of several word trademark registrations for the term “CAROLL”, including French, EU and international trademarks to cover goods and services, respectively, in classes 14, 18, 25 and 35, all of them registered before the creation by the Respondent of the disputed domain names.

The domain names entirely reproduce the trademark CAROLL in association with the descriptive terms SALE and FR, which do not add any distinctiveness to consumers and may create the impression that the domain names are owned by the Complainant or are affiliated with the latter.

The Examiner thus finds that the Complaint meets the requirement of the URS 1.2.6 (i).

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

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances which could demonstrate, pursuant to the URS, any rights or legitimate interests in the disputed domain names. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, the Complainant indeed asserts that it has not authorized the Respondent nor granted the Respondent a license or permission to register the disputed domain names or use its trademarks. In addition, the lack of evidence as to whether the Respondent is commonly known by the disputed domain names or the absence of any trademarks or trade names registered by the Respondent corresponding to the disputed domain names corroborate with the indication of the absence of any right or legitimate interest.

On top of that, the Complainant has provided screenshots of the website associated with the disputed domain names which reproduces the Complainant's website (trademark, logo, pictures, about us section, etc.).

In these circumstances and absent evidence to the contrary, the Examiner finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain names and that the requirements of Paragraph 1.2.6 (ii) of the URS Procedure have been satisfied.

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

URS Procedure 1.2.6.3 identifies a non-exclusive list of circumstances that Examiner could consider as constituting bad faith.

Among them, it seems clear in the Examiner's view that the Respondent has intentionally intended to attract consumers by using the trademark CAROLL in the disputed domain names, by reproducing the general appearance of the Complainant's official website and claim to offer CAROLL items at bargain prices in order to attract the consumer and carry out scams.

According to the Examiner such use of the disputed domain names may create a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement of his website and therefore does not qualify as a bona fide use.



Moreover, the Respondent has not provided a response to the Complaint and also, when registering the disputed domain names, employed a privacy/proxy service in order to hide his real identity.

In the absence of any explanation from the Complainant, the Examiner finds more likely than not that the Respondent intentionally registered the disputed domain names confusingly similar to the Complainant's trademark to benefit from the good will associated with said trademark.

In these circumstances, the Examiner finds that the requirements of Paragraph 1.2.6 (iii) of the URS Procedure have been satisfied.

#### **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: CAROLL-SALEFR.SHOP  
Suspends for the balance of the registration period

Domain Name: CAROLL-SALEFR.TOP  
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: Alejandro  
Surname: Touriño Pena  
Date: 2023-12-13