



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

URS DISPUTE NO. 7092A080

Determination DEFAULT

I. PARTIES

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

Respondent(s): Privacy Guardian, PrivacyGuardian.org LLC (US)

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

Domain Name(s): LAHALLES.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: NameSilo, LLC

III. PROCEDURAL HISTORY

Complaint submitted: 2023-11-13 17:18
Lock of the domain name(s): 2023-11-16 09:25
Notice of Complaint: 2023-11-17 14:35
Default Date: 2023-12-02 00:00
Notice of Default: 2023-12-02 08:43
Panel Appointed: 2023-12-02 08:46
Default Determination issued: 2023-12-04 13:56

IV. EXAMINER

Examiner's Name: Ganna Prokhorova

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 PEGASE, a company organized under the laws of France, active in the fashion industry. In particular, the Complainant is the holder of many trademarks registered all around the world, as LA HALLE, a renowned brand of women, men and children apparel. The Complainant is also the owner of several other fashion brands, sold in LA HALLE stores like LH, LIBERTO and CREEKS and MOSQUITOS.

The Complainant is the owner of the following trademarks:

- International Trademark "LA HALLE AUX VETEMENTS" No. 486315 registered on July 6, 1984 for the following ICGS classes: 25;
- International Trademark "LA HALLE Mode, Chaussures & Maroquinerie" No. 1213360 registered on April 10, 2014 for the following ICGS classes: 18, 25, 35; and
- International Trademark "LA HALLE Fashion, Shoes & Bags" No. 1254519 registered on March 19, 2015 for the following ICGS classes: 18, 25, 35.

The Complainant asserts the following regarding the Respondent:

1. The registered domain name <lahalles.shop> is identical or confusingly similar to a word or mark [URS 1.2.6.1]:

(i) For which the Complainant holds a valid national or regional registration and that is in current use;

2. The 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]:

d. By using the domain name(s), the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark 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.

B. Respondent:

The identification of the Registrant is hidden.

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:

Despite the Respondent has defaulted, URS Procedure 1.2.6 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.

[URS 1.2.6.1] The registered domain name(s) is/are identical or confusingly similar to a word mark:



- (i) for which the Complainant holds a valid national or regional registration and that is in current use; or
- (ii) that has been validated through court proceedings; or
- (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

[URS 1.2.6.2] Registrant has no legitimate right or interest to the domain name.

[URS 1.2.6.3.] The domain was registered and is being used in bad faith.

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 the domain name(s) is/are identical or confusingly similar to the word mark.

In the present case, the Examiner finds that the Complainant is a reputed company, especially in France, thanks to its activity in the fashion industry. Complainant also owns trademark registrations in different jurisdictions all over the world.

The Complainant claims that the Disputed Domain Name is identical to the "LA HALLE" trademark. The Examiner accepts that the Disputed Domain Name includes the Complainant's "LA HALLE" trademark in its entirety and additional letter "s" in the Disputed Domain Name does not alter the underlying trademark or negate the confusing identity to the "LA HALLE" trademark.

In addition, the Examiner also finds that the ".shop" new generic top-level domain ("new gTLD") does not prevent the finding of confusing similarity under the first element. Furthermore, the use of such new gTLD additionally augments the probability of confusion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1 as the Disputed Domain Name is confusingly similar to the Complainant's registered trademarks.

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 domain name(s), 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 has not been authorized by the Complainant to use the "LA HALLE" trademark or any other trademark of the Complainant in the Disputed Domain Name or the content of the website. 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 Name as he registered it after the Complainant had registered the "LA HALLE" trademark. Thus, the Respondent's use is not a legitimate noncommercial or fair use, and is not in connection with a bona fide offering of goods or services.

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 Disputed Domain Name.

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 are in bad faith.

The Complainant claims the website associated with the Disputed Domain Name is a fraud page that was registered to take unfair advantage of the reputation of the Complainant and its trademarks, since the Registrant has intentionally attempted to attract consumers by using the "LA HALLE" trademark in the Disputed Domain Name. Furthermore, the Respondent reproduces the general appearance of the Complainant's official website using the Complainant's trademark throughout the mentioned website without any authorization of the Complainant.

From all the above, it is clear that the Respondent's purpose is to capitalize on the reputation of the Complainant's "LA HALLE" trademark by diverting Internet users seeking the Complainant's products to his website for financial gain, intentionally creating a likelihood of confusion with the Complainant's trademark to the source, sponsorship, affiliation, or endorsement of his website and/or the goods offered or promoted through said website.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.3 as the Respondent registered the Disputed Domain Name and is using it in bad faith.

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: LAHALLES.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: Ganna

Surname: Prokhorova

Date: 2023-12-04