



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

**URS DISPUTE NO. 7F38E2E5**

Determination DEFAULT

**I. PARTIES**

Complainant(s): Pegase (FR)  
Complainant's authorized representative: MIIP – Made in IP (FR)

Respondent(s): lin lin (CN)

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

Domain Name(s): LAHALLE-FRANCE.VIP  
Registry Operator: Registry Services, LLC  
Registrar: Namesilo, LLC

**III. PROCEDURAL HISTORY**

Complaint submitted: 2024-01-31 11:19  
Lock of the domain name(s): 2024-02-06 23:12  
Notice of Complaint: 2024-02-09 12:31  
Default Date: 2024-02-24 00:00  
Notice of Default: 2024-02-24 09:04  
Panel Appointed: 2024-02-24 09:05  
Default Determination issued: 2024-02-28 20:34

**IV. EXAMINER**

Examiner's Name: Carrie Shu Shang

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:** [PEGASE]

The Complainant Pegase is a company organized under the laws of France and is active in the fashion industry. It is the holder of many trademarks registered all around the world, including LA HALLE, a renowned brand of women, men and children fashion.

**B. Respondent:** [lin lin]

The Respondent lin lin is a natural person with its last known address in Fujian, China. The Respondent did not submit a Response in the current proceeding.

**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, Pegase, is a company organized under the laws of France and is active in the fashion industry. It is the holder of many trademarks registered all around the world, including LA HALLE, internationally registered in multiple countries and jurisdictions:

- International word mark, LA HALLE AUX VETEMENTS, registration number: 486315, registration date: July 6, 1984, status: active, in class 25 for footwear;
- 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).

The Complainant is also the owner of the domain name <<https://www.lahalle.com>>, registered since 22 September 1997.

The Complainant's trademark is currently in use, notably through the Complainant's official website: <<https://www.lahalle.com>>.

The disputed domains in this case <lahalle-france.vip> was created on 20 January 2024, via the Registrar Namesilo, LLC.

**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.



Even though the Respondent has defaulted, URS Procedure 1.2.6, requires 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 1.2.6 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.

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

The disputed domain name is confusingly similar to the LA HALLE trademark, given that it incorporates such mark or at least its dominant component the wording LA HALLE in its entirety. The disputed domain name also includes an additional element “france” and a hyphen <-> connecting the terms “lahalle” and “france”. Considering that the Complainant’s trademark is well-known in France, the additional geographic term does not add any distinctiveness, but even enhances the likelihood of confusion.

The top-level domain name <.vip> does not impact on the finding of confusing similarity.

Therefore, 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 rights or legitimate interests; and once such prima facie case is made, the burden shifts to the Respondent who has to demonstrate his rights or legitimate interests.

In this present case and according to the Complainant, the Complainant has never given consent to Respondent to use its LA HALLE trademark, for any domain name nor for any other purpose. The Respondent “lin lin” is not known by the disputed domain name and has not acquired rights in the LA HALLE trademark.

In the case at issue the Respondent decided not to submit any Response or evidence of any concrete circumstances which could demonstrate, pursuant to the URS, that it has any rights or legitimate interests in the disputed domain name.

Under these circumstances, the Examiner finds that the requirements of URS Procedure 1.2.6.2 have been satisfied.

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

According to URS Procedure 1.2.6.3, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. URS Procedure 1.2.6.3 identifies non-exclusive list of circumstances that Examiner could consider as constituting bad faith.

Noting that the scenarios of bad faith uses and registration are non-exhaustive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behaviour detrimental to the Complainant's trademark would also satisfy the complainant's burden.

In a non-exhaustive manner, below circumstances surrounding the disputed domain name's registration and use confirm the finding that the Respondent has registered and is using the disputed domain name in bad faith:

- The domain name is used in connection with a fraudulent website that reproduces the Complainant's website (trademark, logo, pictures, etc.);
- 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 (See WIPO UDRP D2021-3719, holding that such a use is "emblematic of bad faith use of the disputed domain name");
- On the home page of the website, the Respondent tries to impersonate the Complainant as the website presents itself as the official LA HALLE boutique with the mention TRUSTED STORE, which was never authorized by the Complainant.

Taking into account the above circumstances, it is highly unlikely that Respondent was unaware of Complainant's rights in LA HALLE trademark when Respondent registered the disputed domain name. The presumed knowledge of an otherwise well-known mark when registering a confusingly similar domain name implies bad faith.

The Respondent did not provide any formal response with conceivable explanation of its behaviour within these proceedings. In the light of the above, the Panel finds that the disputed domain name has been registered and is being used in bad faith pursuant URS Procedure 1.2.6.3.

## **VIII. DETERMINATION**

### **A. Demonstration of URS elements**

Demonstrated

### **B. Complaint and remedy**

Complaint: Accepts

Domain Name(s): LAHALLE-FRANCE.VIP

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: Carrie Shu  
Surname: Shang  
Date: 2024-02-28