



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

URS DISPUTE NO. 840ED045

Determination DEFAULT

I. PARTIES

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

Respondent(s): Domain Admin, Whoisprotection.cc (MY)

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

Domain Name: LAHALLE-FRSALE.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Web Commerce Communications Limited dba WebNic.cc

III. PROCEDURAL HISTORY

Complaint submitted: 2024-01-12 14:46
Lock of the domain name(s): 2024-01-16 11:20
Notice of Complaint: 2024-01-16 14:01
Default Date: 2024-01-31 00:00
Notice of Default: 2024-01-31 13:12
Panel Appointed: 2024-02-01 10:27
Default Determination issued: 2024-02-06 10:06

IV. EXAMINER

Examiner's Name: Guido Maffei

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 is the French limited liability company PEGASE, owner of the following trademarks including the distinctive element LA HALLE:

- International mark LA HALLE AUX VETEMENTS no. 486315 registered on July 6, 1984, in class 25 and duly renewed.
- International mark LA HALLE MODE, CHAUSSURES & MAROQUINERIE (dev.) no. 1213360 registered on April 10, 2014, in classes 18, 25 and 35.
- International mark LA HALLE FASHION, SHOES & BAGS (dev.) no. 1254519 registered on March 19, 2015, in classes 18, 25 and 35.

The Complainant has showed to be also the owner of several fashion brands sold in LA HALLE stores like LH, LIBERTO, CREEKS and MOSQUITOS.

The Complainant has also demonstrated that the mark LA HALLE is a renowned brand of women, men, and children fashion items.

The Complainant contends that the above trademarks were registered before the registration of the domain name in dispute.

According to the Complainant's view, the domain name in dispute is highly similar to the prior rights owned by the Complainants on LA HALLE. This, especially in consideration of the fact that <lahalle-frsale.shop> includes LA HALLE, which is the dominant and distinctive element of the Complainant trademarks, while the additional elements, namely the country code "fr" and the term "sale", are merely descriptive.

Furthermore, the Complainant states that the Respondent has no rights or legitimate interest in respect of the domain name since the Respondent has never been authorized by the Complainant to use the trademark LA HALLE or to register any domain name incorporating the trademark LA HALLE. The Complainant also informs that there are 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 as he registered the disputed domain name after the Complainant had registered his trademarks including LA HALLE. The Complainant also notes that the disputed domain name is used in connection with a fraudulent website which reproduces the Complainant's official website and that this use of LA HALLE is not a legitimate non-commercial use.

Finally, it is the Complainant's view that the registration and use of <lahalle-frsale.shop> is in bad faith since the content associated with the domain name in dispute resolves in a website including abusive and not authorized reproductions of the Complainant trademarks and consequently gives the clear impression to be an official website of the Complainant.

B. Respondent:

The Respondent did not submit a Response.

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 disputed domain name was registered on January 3, 2024.

The Complainant has demonstrated to be the owner of the following trademarks including the distinctive term LA HALLE:

- International mark LA HALLE AUX VETEMENTS no. 486315 registered on July 6, 1984, in class 25 and duly renewed.
- International mark LA HALLE MODE, CHAUSSURES & MAROQUINERIE (dev.) no. 1213360 registered on April 10, 2014, in classes 18, 25 and 35.
- International mark LA HALLE FASHION, SHOES & BAGS (dev.) no. 1254519 registered on March 19, 2015, in classes 18, 25 and 35.

E. Reasoning:

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

The Complainant has established to have registered rights in the distinctive term LA HALLE at least since 1984. The Complainant trademarks, therefore, were registered well before the registration of the disputed domain names (January 3, 2024). The wording LA HALLE is the dominant and only distinctive element in the Complainant trademarks since LA HALLE is presented as first element of the signs and in much larger and bolder type than the additional generic words. LA HALLE is also the only distinctive element of the trademarks in the sense that it is the wording LA HALLE which informs which items (shoes, bags etc.) are being identified (see Mr. Patrice Pastor and Pastor Real Estate Limited v. George Miller, WIPO Case No. D2022-0665). The Panel, therefore, considers that the disputed domain name is confusingly similar to the Complainant registered trademarks since the geographical identifier “fr” and the element “sale”, being descriptive and non-distinctive elements, cannot be considered as relevant to influence the overall impression of the domain name and, as such, they do not alter the finding of similarity between the domain name in dispute and the previous registered trademarks (please see Six Continents Hotels, Inc. v. Sdf fdgg, WIPO Case No. D2004-0384, Credit Agricole SA v. Frederik Hermansen, CAC Case No. 101249 and Joseph NAKAM v. Brigitte Bellamy, CAC Case No. 104978). In consideration of the above, it is clear that the only distinctive part of the disputed domain name is LA HALLE. In addition, it must be considered that the relevant comparison to be made is with the first portion of the domain name only (i.e., “lahalle-frsale”), as it is well-established that the top-level domain name (in this case .shop) should be disregarded for this purpose (see Playboy Enterprises International, Inc. v. John Taxiarchos, WIPO Case No. D2006-0561; Burberry Limited v. Carlos Lim, WIPO Case No. D2011-0344; Magnum Piercing, Inc. v. The Mudjackers and Garwood S. Wilson, Sr., WIPO Case No. D2000-1525). Therefore, the Examiner finds that the requirement set forth under Paragraph 1.2.6.1. of the URS Procedure has been satisfied.

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

The Complainant provided prima facie evidence that the Respondent does not have rights or legitimate interests in respect of the disputed domain name as it was never authorized to use it by the Complainant. The Respondent, in the absence of any response, has not shown any facts or element to justify prior rights or legitimate interests in the disputed domain name. Based on the above, the Examiner finds that the Respondent lacks any rights or legitimate interests with respect to the disputed domain names as per the requirement set forth under Paragraph 1.2.6.2. of the URS Procedure.

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

The Respondent registered the disputed domain names years after the use and registration of LA HALLE by the Complainant. In consideration of the reputation achieved by LA HALLE it is clear that the Respondent was surely aware of the Complainant and of its trademarks when he registered the domain name in dispute. Moreover, the Respondent appears to have attempted to benefit commercially from the appropriation of the LA HALLE mark in the disputed domain name. The use made by Respondent of the mark LA HALLE, which is well-known for fashion items, clearly indicates that the disputed domain name was chosen by the Respondent to take advantage of the Complainant's mark reputation. This finding leads to the obvious conclusion that the disputed domain name has been registered in bad faith (Research In Motion Limited v. Privacy Locked LLC/Nat Collicot - WIPO Case No. D2009-0320; The Gap, Inc. v. Deng Youqian - WIPO Case No. D2009-0113; AXA S.A. v. P.A. van der Wees - WIPO Case No. D2009-0206; BHP Billiton Innovation v. Ravindra Bala - WIPO Case No. D2008-1059). The Examiner also finds that, by reproducing the general appearance of the Complainant's official website and by offering not only LA HALLE goods, but also other goods contradistinguished by different Complainant registered marks (LH, LIBERTO, CREEKS and MOSQUITOS), the Respondent has intentionally attempted to attract Internet users to its website for commercial gain, by causing a likelihood of confusion with the trademark LA HALLE as to the source, sponsorship, affiliation or endorsement of its website and the products promoted therein. This is a clear use in bad faith of the domain name in dispute. Therefore, the Examiner finds that the requirement set forth under Paragraph 1.2.6.3. of the URS Procedure has 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: LAHALLE-FRSALE.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: Guido

Surname: Maffei

Date: 2024-02-06