



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

**URS DISPUTE NO. 89E1DC6E**

Determination DEFAULT

**I. PARTIES**

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

Respondent(s): Mao Chao (CN)

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

Domain Name(s): LAHALLEIOUTLET.SHOP  
Registry Operator: GMO Registry, Inc.  
Registrar: Dynadot, LLC

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-11-13 15:45  
Lock of the domain name(s): 2023-11-16 09:26  
Notice of Complaint: 2023-11-17 14:45  
Default Date: 2023-12-02 00:00  
Notice of Default: 2023-12-02 08:28  
Panel Appointed: 2023-12-02 08:30  
Default Determination issued: 2023-12-06 02:00

**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:**

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:**

The Respondent, Mao Chao, is a natural person with its last known address in California, the United States. 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.

The disputed domain name <lahalleoutlet.shop> was created on 3 November 2023, via the Registrar Dynadot, 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, the additional element "outlet" with the added letter "i" connecting the term "lahalle" and "outlet". The additional element "outlet" does not add any distinctiveness and may further mislead consumers of the branded products, as it designates a type of store where manufacturers sell products directly to consumers at discounted prices. The added letter does not negate the confusing similarity that exists.



In the present case the disputed domain name fully incorporates the Complainant's trademark and is identical to the Complainant's registered trademark. The top-level domain name ".shop" should not impact the finding of identity and/or 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 "Mao Chao" is not known by the disputed domain name and has not acquired rights in the LA HALLE trademark.

It is acknowledged that once the Panel finds such *prima facie* case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. 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 use 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 findings that the Respondent has registered and is using the disputed domain names in bad faith:

- The disputed domain name is used in connection with a fraudulent website that reproduce the Complainant's website (trademark, logo, pictures, about us section, 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").

Taking into account the above-mentioned circumstances, it is highly unlikely that Respondent was unaware of Complainant's LA HALLE trademark rights 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: LAHALLEIOUTLET.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: Carrie Shu

Surname: Shang

Date: 2023-12-06