



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

**URS DISPUTE NO. 8B2C07AB**

Determination DEFAULT

**I. PARTIES**

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

Respondent(s): Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot (US)

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

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

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-11-22 12:45  
Lock of the domain name(s): 2023-11-27 10:57  
Notice of Complaint: 2023-11-27 12:15  
Default Date: 2023-12-12 00:00  
Notice of Default: 2023-12-12 10:37  
Panel Appointed: 2023-12-12 10:37  
Default Determination issued: 2023-12-13 10:15

**IV. EXAMINER**

Examiner's Name: Rodolfo Carlos Rivas Rea

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 domain name(s) was/were registered and is/are being used in bad faith:

By using the disputed domain name, 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.

The disputed domain name reproduces the trademark "CAROLL" of the Complainant in a leading position, and in association with a typo at the end (addition of the letters ES). The disputed domain name feature the word Mark "CAROLL" in its entirety. The typo has no other purpose than mislead the consumers, and make them believe that the disputed domain name is owned by the Complainant or, is affiliated with the latter. It is clearly a variation of the Complainant's trademark, and constitutes a typosquatting case.

The Respondent has no rights or legitimate interest in respect of the domain name. 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 latter has no prior rights such as trademarks or legitimate interests in the disputed domain name as he/she registered the disputed domain name after the Complainant had registered his trademarks "CAROLL". In particular, the disputed domain name is used in connection with a fraudulent website which reproduces the Complainant's one (trademark, logo, pictures, about us section, etc.). Moreover, on the website, the Respondent presents himself as the official "Caroll" website in the "About us" Section.

The disputed domain name is used in bad faith since the Respondent has intentionally intended to attract consumers by using the trademark "CAROLL" in the disputed domain name. In addition, the Respondent reproduces 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, the Respondent employed a privacy service in order to hide his/her identity. Given the use of the disputed domain name, the misspelling in the latter with the final letters ES tend to prove a prior awareness of the Complainant's trademark "CAROLL" by the Respondent.

It is therefore in the public interest to suspend the disputed domain name.

## **B. Respondent:**

The Respondent did not submit a formal Response in conformity with paragraph 5 of URS Policy and Rules; consequently, MFSD sent the Notice of Default to the parties.

## **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 fashion house “CAROLL” is a famous French clothing brand for women, created in 1963 by Raphaël Lévy and Joseph Bigio. The products are sold via its more than 500 stores in France and abroad as well as its website:

[https://www.caroll.com/fr\\_fr/](https://www.caroll.com/fr_fr/)

The trademark “CAROLL” is registered worldwide:

- European Union Trademark “CAROLL” n° 009892431 registered on September 16, 2011 in classes 14, 18 and 25 and notably handbags, Clothing, Footwear (other than orthopaedic footwear);
- International trademark “CAROLL” n°1208979 registered on February 25, 2014 in classes 18, 25 and 35 (notably handbags, Clothing, Footwear (other than orthopaedic footwear));
- French trademark “CAROLL” n°1233265 filed on April 15, 1983 in classes 18 and 25 (renewed).

The disputed domain name was registered on November 18, 2023.

The Complainant provided evidence that its trademarks are in use, including screenshots of its official website and a link to the Complainant’s website.

## **E. Reasoning:**

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

The Complainant provided evidence on record of a word mark registration for “CAROLL”, with the earliest registration dating from 1983. The “CAROLL” branded products are sold in 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/)>.

In relation to URS Rule 8.1.2., the Complainant provides evidence that the “CAROLL” trademark is satisfying the use requirements under the URS Rules.

The Examiner must now move on to analyze if the disputed domain name is confusingly similar to the trademark at hand. In this case, the disputed domain name indeed reproduces the totality of the word mark “CAROLL”, as the first part of the disputed domain name and arguably the most dominant element of the domain name, with the addition of “ES” following the trademark. The addition of “ES” to the disputed domain name, could be classified under typo squatting and is ultimately immaterial to dispel the confusing similarity between the disputed domain name and the Complainant’s trademark, as the dominant element of the disputed domain name remains the Complainant’s trademark, namely “CAROLL”.

Additionally, for the purposes of this analysis, the new gTLD has little bearing in the analysis necessary for the first requirement under the URS. Nevertheless, the new gTLD <.shop> may actually increase confusion as it is related to Complainant’s activity, but the analysis of this is better suited under the elements below.

Based on the above and the evidence on record, the Examiner finds that the requirements set forth under Paragraph 1.2.6 (i) of the URS have been satisfied.

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

Based on the evidence on record and acknowledging that the Respondent failed to produce any allegations or evidence necessary to demonstrate its rights or legitimate interests in the disputed domain name, the Panel must turn to the uncontested facts.

The Complainant asserts that it has not authorized the Respondent to use the word mark "CAROLL" or to register any domain names. Furthermore, the Complainant also states that the parties have no business relationship. Additionally, there is no evidence showing that the Respondent has any prior rights such as trademarks or that the Respondent is commonly known by the disputed domain name. This is enough for the Complainant to establish a *prima facie* case, as described in paragraph 2.1 of WIPO 3.0 Overview, which for this proceeding is persuasive to the Examiner.

In addition, based on the evidence, it is evident that the disputed domain name was registered primarily to disrupt the Complainant's business. The Complainant provides evidence that the disputed domain name has been used by the Respondent intentionally to attract, for commercial gain, Internet users to the Respondent's website or other online 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.

Furthermore, the website associated resolving from the disputed domain name reproduces the Complainant's trademark, logo, pictures and overall trade dress. Lastly, in the "About us" section of the website resolving from the disputed domain name, the Respondent appears to be presenting itself as the official "Caroll" website.

Although this may be more relevant under the element below, this fact pattern and evidence on record lead the Examiner to conclude that the Respondent did not have 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 name as per the requirements set forth under Paragraph 1.2.6 (ii) of the URS.

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

As per the facts mentioned under the second element above and the overall circumstances of the case, it seems to indicate, through clear and convincing evidence, that the Respondent not only was aware of the Complainant but deliberately targeted the Complainant to benefit from the appearance of legitimate association to the Complainant and confuse Internet users as to the source of sponsorship. A practice like this can never be considered a *bona fide* offering under the URS Procedure.

These facts include the reproduction of the Complainant's word mark in the disputed domain name, which is the disputed domain name's most dominant element. Additionally, in the website's content associated with the disputed domain name, the "Caroll" trademark and the overall trade dress of the Complainant is reproduced as per evidence on record.

The evidence on record is enough to conclude that Internet users visiting the website associated with the disputed domain name can be confused as to the source of sponsorship of the disputed domain name and are mistakenly led to believe it is associated to the Complainant.



The Examiner notes that the evidential burden for complaints under the URS is significantly higher (clear and convincing evidence) than under the UDRP (balance of probabilities); nevertheless, WIPO Overview 3.0 remains informative to this matter, since the facts and evidence on record remain consistent with the thrust of conducts described under Paragraph 1.2.6.3 of the URS.

Based on the above and the evidence on record, the Examiner finds that the disputed domain name was registered and has been used by the Respondent in bad faith, as per the requirements set forth under Paragraph 1.2.6 (ii) of the URS.

#### **4. Abusive Complaint**

The Examiner finds that the Complaint is neither abusive nor contains deliberate material falsehoods.

### **VIII. DETERMINATION**

#### A. Demonstration of URS elements

Demonstrated

#### B. Complaint and remedy

Complaint: Accepts

Domain Name: CAROLLES.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: Rodolfo Carlos

Surname: Rivas Rea

Date: 2023-12-13