



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

**URS DISPUTE NO. 8FB7648B**

Determination DEFAULT

**I. PARTIES**

Complainant(s): C.C.V. Beaumanoir (FR)  
Complainant's authorized representative: MIIP – Made in IP (FR)

Respondent(s): Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf (IS)

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

Domain Name(s): MORGAN-FR.SHOP  
Registry Operator: GMO Registry, Inc.  
Registrar: NameCheap, Inc.

**III. PROCEDURAL HISTORY**

Complaint submitted: 2024-03-11 16:08  
Lock of the domain name(s): 2024-03-14 15:40  
Notice of Complaint: 2024-03-15 19:22  
Default Date: 2024-03-30 00:00  
Notice of Default: 2024-03-30 16:20  
Panel Appointed: 2024-03-30 16:26  
Default Determination issued: 2024-04-01 14:27

**IV. EXAMINER**

Examiner's Name: Ankur Raheja

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, a company created in 1993 and organized under the laws of France, is active in the fashion industry. The Complainant's fashion products are sold in 166 shops in France and 206 shops globally. It has had an online presence at <morgandeto.fr> since 2006. The Complainant owns the trademark registrations for the term “MORGAN”, including French and European Union registrations that predate the registration of the disputed domain name.

The Complainant contends that the disputed domain name is identical or confusingly similar to a trademark for which the Complainant holds a valid national or regional registration and that is in current use.

The Complainant also contends that the Respondent has no legitimate right or interest in the disputed domain name. In particular, the disputed domain name is used in connection with a fraudulent website which reproduces the Complainant's official website (trademark, logo, pictures, etc.). This use is neither a legitimate non-commercial use, nor a bona fide offering of goods, as it proposes the goods of the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent reproduces the general appearance of the Complainant's official website and claims to offer MORGAN items at bargain prices in order to attract the consumers and carry out scams. On the home page of the website, the Respondent tries to impersonate the Complainant as he presents himself as the official MORGAN boutique by reproducing the story of the brand, which shows the evident bad faith of the Respondent.

### B. Respondent:

The Respondent did not submit the 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 the absence of a Response, the language of the Determination shall be English.

### D. Findings of fact:

The disputed domain name was registered on 27 February 2024.

The Complainant has demonstrated that it has registered rights in the MORGAN trademark, which is duly registered in France and other jurisdictions. The disputed domain name contains the mark in its entirety along with the country code ‘FR’, which represents the country of origin for the Complainant, combined with the new gTLD .shop.

The disputed domain name currently does not resolve to any website. However, the Complainant has annexed a screenshot of the website associated with the disputed domain name, indicating that it had previously resolved to a website impersonating the Complainant.

### 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 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.

For the Complainant to succeed, it must establish that each of the three following conditions under 1.2.6 URS Procedure is 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 wordmark**

The Complainant has registered various trademarks for the term “MORGAN”, including the earliest word mark registration in France since 31 July 1986 under class 25. The active use of the trademark is evident from the Complainant’s official website at <morgandetoi.fr> and a simple Google search for “Morgan FR”.

The disputed domain name contains the Complainant’s mark in its entirety combined with the country code for France ‘FR’. The Complainant rightly points out that these additional letters do not add any distinctiveness and even enhances the likelihood of confusion since the Complainant is a company well-known in France under the name "MORGAN". The incorporation of the Complainant's registered mark into the disputed domain name is sufficient to establish identity or confusing similarity for purposes of the URS Procedure.

Besides, it is well-established that the extensions in a domain name do not affect a finding of identity or confusing similarity, because it is technically required for the registration and operation of a domain name. The practice of disregarding the TLD in determining identity or confusing similarity is applied irrespective of the particular TLD, including with regard to new gTLDs.

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 disputed domain name contains the Complainant’s mark combined with the country code ‘FR’. The Complainant has neither authorized the Respondent to make use of its mark in any manner, nor any evidence is present before the Examiner that the Respondent is known by the disputed domain name. The disputed domain name is not resolved currently, however, it had previously resolved to a website impersonating the Complainant.

This is no evidence either of a bona fide offering of goods or services or of a legitimate non-commercial or fair use of the disputed domain name. The Complainant has met its burden by presenting a prima facie case in this URS dispute, while the Respondent has provided no Response to the Complaint.

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 1.2.6.2 of the URS Procedure.

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

The disputed domain name incorporates the Complainant's registered mark MORGAN along with the country code FR. Until recently, the disputed domain name was used to host a website impersonating the Complainant. The said conduct of the Respondent demonstrates actual knowledge of and familiarity with the Complainant's mark and nature of business.

Further, the Respondent intentionally attempted to attract for commercial gain, Internet users to its website at the disputed domain name by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, and endorsement of the Respondent's web site.

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.3 of the URS Procedure have 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(s): MORGAN-FR.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: Ankur

Surname: Raheja

Date: 2024-04-01