



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

URS DISPUTE NO. 91F39116

Determination DEFAULT

I. PARTIES

Complainant(s): La Monnaie De Paris (FR)

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

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

Domain Name(s): MONNAIEDEPARIS.FUN
Registry Operator: DotSpace, Inc.
Registrar: Namecheap, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 2022-01-20 14:10
Lock of the domain name(s): 2022-01-21 14:08
Notice of Complaint: 2022-01-21 16:48
Default Date: 2022-02-05 00:00
Notice of Default: 2022-02-06 14:23
Panel Appointed: 2022-02-06 14:23
Default Determination issued: 2022-02-09 17:13

IV. EXAMINER

Examiner's Name: Ganna Prokhorova

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 is La Monnaie de Paris domiciled in France.

Among others, the Complainant is the owner of the following registered trademarks:

- International Trademark MONNAIE DE PARIS & dev. No. 1133366 registered on March 23, 2012 in classes 6; 8; 14; 16; 18; 21; 25; 26; 28; 34; 35; 36; 38; 39; 40; 41; 42; 43; 44;
- Trademark MONNAIE DE PARIS & dev No. 3861309 registered in France on September 23, 2011 in classes 6; 8; 14; 16; 18; 21; 25; 26; 28; 34; 35; 36; 38; 39; 40; 41; 42; 43; 44.

La Monnaie de Paris sells, in particular, collection coins and also medals, online on its website: <https://www.monnaiedeparis.fr/en>, in its physical store, through distance selling and finally through resellers. The Complainant is also the registrant of several domain names such as monnaiedeparis.fr, .com, .eu, .net and .org.; and the owner of the company name: "LA MONNAIE DE PARIS".

The Complainant has recently discovered the website <https://www.monnaiedeparis.fun> reproducing the pages of the Complainant's website <https://www.monnaiedeparis.fr/en/shop>, creating confusion in the mind of consumers.

The Complainant asserts the following regarding the Respondent:

1. The registered domain name <monnaiedeparis.fun> is identical or confusingly similar to a word mark [URS 1.2.6.1]:

For which the Complainant holds a valid national or regional registration and that is in current use

2. The Respondent has no legitimate right or interest to the domain name [URS 1.2.6.2]

3. The domain name was registered and is being used in bad faith [URS 1.2.6.3]:

The domain name was registered primarily for the purpose of disrupting the business of a competitor.

B. Respondent:

The Respondent has not filed an official response within the deadline.

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 Procedure Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The registration date of the Disputed Domain Name is as below:

<monnaiedeparis.fun>: 2021-10-25



Despite 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.

[URS 1.2.6.1] The registered domain name(s) is/are identical or confusingly similar to a word mark:

- (i) for which the Complainant holds a valid national or regional registration and that is in current use; or
- (ii) that has been validated through court proceedings; or
- (iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

[URS 1.2.6.2] Registrant has no legitimate right or interest to the domain name.

[URS 1.2.6.3.] The domain was registered and is being used in bad faith.

E. Reasoning:

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

To satisfy URS 1.2.6.1, a Complainant needs to prove its rights in a word mark and the domain name(s) is/are identical or confusingly similar to the word mark.

In the present case, the Examiner finds that the Complainant is the owner of several trademark registrations MONNAIE DE PARIS in different jurisdictions.

The domain name <monnaiedeparis.fun> includes the Complainant's "MONNAIE DE PARIS" marks in its entirety. The only difference is the addition of the gTLD ".fun". The addition of the gTLD does not prevent the finding of confusing similarity under the first element.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1 as the Disputed Domain Name is confusingly similar to the Complainant's registered trademarks.

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

To satisfy URS 1.2.6.2, the Complainant must first make a *prima facie* case that the Respondent lacks rights and legitimate interests in the domain name(s), and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Respondent has no legitimate right or interest to the domain name, providing evidence in confirmation of this assertion.

The Respondent provided no response to the Complaint.

The Examiner finds that the Complainant has met its burden and established a *prima facie* case that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Respondent has not rebutted the assertion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the Disputed Domain Name.

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

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the domain name are in bad faith.

A non-exclusive list of circumstances that demonstrate bad faith registration and use by the Registrant include:

- a. Registrant has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- b. Registrant has registered the domain name in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that Registrant has engaged in a pattern of such conduct; or
- c. Registrant registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- d. By using the domain name Registrant has intentionally attempted to attract for commercial gain, Internet users to Registrant'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 Registrant's web site or location or of a product or service on that web site or location.

The Complainant claims the Disputed Domain Name was registered for the purpose of disrupting the business of a competitor.

Among others, the Complainant has provided evidence that the website under the Disputed Domain Name was reproducing the pages of the Complainant's website, creating confusion in the mind of consumers, which is clear and convincing evidence of bad faith from the part of the Respondent.

From all the above, the Examiner finds that the Respondent's purpose was to capitalize on the reputation of the Complainant disrupting the business of a competitor.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.3 as the Respondent registered the Disputed Domain Name and is using it in bad faith.

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): MONNAIEDEPARIS.FUN 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: Ganna

Surname: Prokhorova

Date: 2022-02-09