



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

URS DISPUTE NO. 937C922D

Determination DEFAULT

I. PARTIES

Complainant: C.C.V. BEUMANOIR
Complainant's authorized representative: MIIP - Made In Ip

Respondent: Wilayah Persekutuan

II. THE DOMAIN NAME, REGISTRY OPERATOR AND REGISTRAR

Domain Name: MORGANFR.SHOP
Registry Operator: WebNIC

III. PROCEDURAL HISTORY

Complaint submitted: 2024-06-27
Lock of the domain name: 2024-09-02
Notice of Complaint: 2025-09-05
Default Date: 2024-09-20
Notice of Default: 2024-09-21
Panel Appointed: 2024-09-21
Default Determination issued: 2024-09-24

IV. EXAMINER

Examiner's Name: Carrie Shang

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: C.C.V. BEAUMANOIR

B. Respondent: Wilayah Persekutuan

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, CCV BEAUMANOIR, was created in 1993 in France, and is active in the fashion industry.

Complainant is the holder of many registered trademarks on the brand MORGAN all around the world and particularly in Europe, including but are not limited to:

- French trademark MORGAN n° 1441890 filed on 31/07/1986 in class 25 (renewed)
- French trademark MORGAN (with device) n° 4049265 filed on 22/11/2013 in classes 3, 9, 14, 16, 18, 25, 35 (renewed)
- European Union trademark MORGAN n°014908982 filed on 14/12/2015 in classes 9, 14, 18, 25

MORGAN is a well-known fashion brand in Europe. Its fashion products are sold in 166 shops in France and 206 shops globally (<https://www.groupe-beaumanoir.com/marque/morgan/>).

The Complainant owns on the domain name morgandetoi.fr, connected to the main website displaying the MORGAN branded products, which has been registered since 2006.

The disputed domain name morganfr.shop was first created on June 17, 2024, and is current registered via the Registrar WebNic.

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 is entirely identical to Complainant's MORGAN trademark. MORGAN is a well-known fashion brand in Europe and the added term "fr" does not negate the association between the disputed domain name and the Complainant's trademark, but enhances the confusion of consumers by suggesting that the dispute domain name is based on a brand that is associated with the country of France ("FR" as the country code for France). The top-level domain is not taken into consideration when assessing the risk of confusion. Nonetheless, the .shop gTLD does not prevent the finding of a confusing similarity, and it could further confuse consumers who search online for the Complainant's product offerings.

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 Complaint, it does not seem that the Complainant has ever given consent to Respondent to use its MORGAN trademark, for any domain name nor for any other purpose. The Respondent "Wilayah Persekutuan" is not known by the disputed domain name and has not acquired rights in the MORGAN trademark.

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 uses 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 finding that the Respondent has registered and is using the disputed domain name in bad faith:

- The disputed domain name is not used in connection with a *bona fide* offering of goods or services;
- Respondent is not known, as an individual or an organization, by the disputed domain name and holds no trademark in MORGAN;
- The Respondent reproduces the general appearance of the Complainant's official website and claims to offer MORGAN items at bargain prices on the website the disputed domain name resolves to;
- Respondent tries to impersonate the Complainant by reproducing the story of the brand on the website resolved to by the disputed domain name;
- The same Respondent has registered several domain names containing the Complainant's "MORGAN" trademark, constituting a pattern of bad faith behavior.

Taking into account the above circumstances, it is highly unlikely that Respondent was unaware of Complainant's rights in MORGAN trademark when Respondent registered the disputed domain name. The same Respondent has also registered several domain names containing the Complainant's "MORGAN" trademark. 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: MORGANFR.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

Surname: Shang

Date: 2024/09/24