



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

URS DISPUTE NO. 9A037A5B

Determination DEFAULT

I. PARTIES

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

Respondent(s): Privacy Guardian, PrivacyGuardian.org LLC (US), Dai Zhen Sheng (CN), zhu yong hua (CN), Ma Chao (CN), Chris Lessly (CN), 士大夫 阿斯顿 [Aston] (US), Arshia Rohani (US)

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

Domain Name: CAROLLD.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: NameSilo, LLC

Domain Name: CAROLLFR-SALE.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLFR-SALE.TOP
Registry Operator: .TOP Registry
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLFR-SALE.VIP
Registry Operator: Registry Services, LLC
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLFRSALE.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLFRSALE.TOP
Registry Operator: .TOP Registry
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLFRSALE.VIP
Registry Operator: Registry Services, LLC
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLIOUTLET.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Dynadot Inc

Domain Name: CAROLLLUCKY.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Dynadot Inc

Domain Name: CAROLLONLINE.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Chengdu west dimension digital technology Co., LTD

Domain Name: CAROLLS.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Dynadot Inc

Domain Name: CAROLLSALE.VIP
Registry Operator: Registry Services, LLC
Registrar: Gname.com Pte. Ltd.

Domain Name: CAROLLSALES.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Dynadot Inc

Domain Name: CAROLLSOUTLETES.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Dynadot Inc

III. PROCEDURAL HISTORY

Complaint submitted: 2023-11-07 20:22
Lock of the domain name(s): 2023-11-14 13:21
Notice of Complaint: 2023-11-14 20:46
Default Date: 2023-11-29 00:00
Notice of Default: 2023-11-29 10:26
Panel Appointed: 2023-11-29 10:31
Default Determination issued: 2023-11-29 12:50

IV. EXAMINER

Examiner's Name: Paddy Tam

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, Caroll International, is a famous French clothing brand for women, created in 1963 by Raphaël Lévy and Joseph Bigio. Its products are sold via more than 500 stores in France and abroad as well as the website: https://www.caroll.com/fr_fr/. The trademark CAROLL is registered worldwide:

- EUTM CAROLL n°009892431 filed on 13/04/2011 in classes 14, 18 and 25;
- International trademark CAROLL n°1208979 - filed on 25.02.2014 in classes 18, 25 and 35 and designating: AU - BH - CO - EM - GB - GE - IL - IN - KR - MG - MX - NO - NZ - OA - OM - SG - TH - TM - TN - TR - US - UZ - AL - AM - AZ - BA - BX - BY - CH - CN - DE - DZ - EG - ES - IR - IT - KG - KZ - LI - LV - MA - MD - ME - MK - PT - RS - RU - TJ - UA - VN - GB - IN - NZ - SG - US;
- French trademark CAROLL n°1233265 filed on 15/04/1983 in classes 18 and 25.

The Complainant asserts the following regarding the Respondent:

1. The registered domain names are identical or confusingly similar to a word or mark [URS 1.2.6.1]: For which the Complainant holds a valid national or regional registration and that is in current use;
2. Registrant has no legitimate right or interest to the domain names [URS 1.2.6.2];
3. The domain names were registered and are being used in bad faith [URS 1.2.6.3].

B. Respondent:

According to the registration data received by MFSD from the concerned Registry Operators and/or Registrars, the Respondents (hereinafter “Respondent”) appear to be individuals domiciled in the United States and China.

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.

Preliminary Finding - Consolidation:

The Complainant submits that the Domain Names are under common control and the holder of the Domain Names is the same based on the following reasons:

- They are registered through the same registrars (Gname, NameSilo or Dynadot);
- They were registered in the same period of time (October 19th - November 2nd, 2023);
- There is a connection between some information provided by the WHOIS, which cannot just be random, given the reservation date of the domain names and their exploitation (respondents came from Jiangsu / Shang Dong in China, or their identity is hidden by a proxy service);
- All domain names share identical or nearly identical content which infringes the Complainant's rights and reproduce its official website;

- They share the same structure by reproducing the Complainant's trademark CAROLL in association with a descriptive word in relation with fashion/sales or a typo.

After having reviewed the case, including the screenshots resolved by the Domain Names provided by the Complainant, the Examiner finds that the content of thw websites are highly identical for 13 out of 14 Domain Names, except for CAROLLONLINE.SHOP which resolves to a website with a different design.

The Examiner hereby accepts to consolidate the following 13 Domain Names (hereinafter Disputed Domain Names) in the present URS proceeding:

CAROLLD.SHOP
CAROLLFR-SALE.SHOP
CAROLLFR-SALE.TOP
CAROLLFR-SALE.VIP
CAROLLFRSALE.SHOP
CAROLLFRSALE.TOP
CAROLLFRSALE.VIP
CAROLLIOUTLET.SHOP
CAROLLLUCKY.SHOP
CAROLLS.SHOP
CAROLLSALE.VIP
CAROLLSALES.SHOP
CAROLLSOUTLETES.SHOP

In relation to the Domain Name CAROLLONLINE.SHOP, the resolved website, registrar and registrant on record are different from the Disputed Domain Names above. There is no convincing evidence provided by the Complainant that CAROLLONLINE.SHOP is also under common control alongside the 13 Disputed Domain Names. Therefore, the Examiner hereby decides to reject the Complaint related to the Domain Name CAROLLONLINE.SHOP without prejudice to the Complainant to file a new complaint in a separate administrative proceeding.

D. Findings of fact:

The Registration Date of the Disputed Domain Names are:

CAROLLD.SHOP: 2023-11-01
CAROLLFR-SALE.SHOP: 2023-10-19
CAROLLFR-SALE.TOP: 2023-10-19
CAROLLFR-SALE.VIP: 2023-10-19
CAROLLFRSALE.SHOP: 2023-11-02
CAROLLFRSALE.TOP: 2023-11-02
CAROLLFRSALE.VIP: 2023-11-02
CAROLLIOUTLET.SHOP: 2023-11-01
CAROLLLUCKY.SHOP: 2023-10-31
CAROLLS.SHOP: 2023-10-31
CAROLLSALE.VIP: 2023-11-02
CAROLLSALES.SHOP: 2023-10-31
CAROLLSOUTLETES.SHOP: 2023-11-01

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]

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 shall prove its rights in a word mark which is in use and that the domain name is identical or confusingly similar to the word mark.

In the present case, the Examiner is satisfied that the Complainant is a well-known clothing brand which also owns trademark registrations for the wording CAROLL in different jurisdictions.

The Complainant claims that the Disputed Domain Names are confusingly similar to the CAROLL trademark as they consist of either the entire CAROLL mark plus descriptive terms like SALE, OUTLET, LUCKY or typos such as IOUTLET, OUTLETES and/or the country abbreviation FR, for France. The CAROLL trademark is distinctive and will immediately catch the attention of the public.

By doing side-by-side comparisons, the Examiner accepts that the Disputed Domain Names are visually similar to Complainant's CAROLL trademark and the additional terms/letters do not negate the similarity.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.1.

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(s) lacks rights and legitimate interests in the disputed domain names, and the burden of prove then shifts to the Respondent(s) to show it does have rights or legitimate interests.

The Complainant asserts that 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 relationship between the Complainant and the Respondent. In particular, the Disputed Domain Names were used in connection with fraudulent websites that reproduce the Complainant's website.

The Examiner finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Names and the Respondent has not rebutted the assertion within the required Response period.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.2.

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 disputed domain names are in bad faith.

The Complainant claims that the Respondent has registered the Disputed Domain Names reproducing the well-known brand CAROLL in order to attract the consumers on its websites for fraudulent purposes. The Disputed Domain Names were used in bad faith since the Respondent has intentionally intended to attract consumers by using the trademark CAROLL

in the domain names. The Respondent reproduced the general appearance of the Complainant's official website and claims to offer CAROLL goods at bargain prices in order to attract the consumers and carry out scams.

Having reviewed the screenshots of the websites resolved by the Disputed Domain Names, and in the absence of a timely Response submitted by the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the CAROLL trademark demonstrating the bad faith registration, and disrupts Complainant's business and attempts to commercially benefit off the CAROLL trademark in bad faith.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.3.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

In relation to all disputed domain names except <CAROLLONLINE.SHOP> - Demonstrated

In relation to <CAROLLONLINE.SHOP> - Not demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name: CAROLLD.SHOP
Suspends for the balance of the registration period

Domain Name: CAROLLFR-SALE.SHOP
Suspends for the balance of the registration period

Domain Name: CAROLLFR-SALE.TOP
Suspends for the balance of the registration period

Domain Name: CAROLLFR-SALE.VIP
Suspends for the balance of the registration period

Domain Name: CAROLLFRSALE.SHOP
Suspends for the balance of the registration period

Domain Name: CAROLLFRSALE.TOP
Suspends for the balance of the registration period

Domain Name: CAROLLFRSALE.VIP
Suspends for the balance of the registration period

Domain Name: CAROLLIOUTLET.SHOP
Suspends for the balance of the registration period

Domain Name: CAROLLLUCKY.SHOP
Suspends for the balance of the registration period



Domain Name(s): CAROLLS.SHOP
Suspends for the balance of the registration period

Domain Name(s): CAROLLSALE.VIP
Suspends for the balance of the registration period

Domain Name(s): CAROLLSALES.SHOP
Suspends for the balance of the registration period

Domain Name(s): CAROLLSOUTLETES.SHOP
Suspends for the balance of the registration period

Complaint: Rejects without prejudice

Domain Name: CAROLLONLINE.SHOP
Unlocks and returns to the full control of the Registrant

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Paddy
Surname: Tam
Date: 2023-11-29