



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

URS DISPUTE NO. 9F16BCA7

Determination DEFAULT

I. PARTIES

Complainant(s): Cache Cache (FR)
Complainant's authorized representative: MIIP – Made in IP (FR)

Respondent(s): Yuan Yan He (CN)

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

Domain Name(s): CACHECACHE-FRANCE.SHOP
Registry Operator: GMO Registry, Inc.
Registrar: Chengdu west dimension digital technology Co., LTD

III. PROCEDURAL HISTORY

Complaint submitted: 2024-03-14 10:51
Lock of the domain name(s): 2024-03-19 10:50
Notice of Complaint: 2024-03-19 11:58
Default Date: 2024-04-03 00:00
Notice of Default: 2024-04-03 10:04
Panel Appointed: 2024-04-03 10:10
Default Determination issued: 2024-04-04 00:39

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 is a French company under the umbrella of the GROUPE BEAUMANOIR. It is the proprietor of the trademark CACHE CACHE, a renowned brand of women fashion.

The Complainant is the holder of the following CACHE CACHE trademark registrations:

- European Union trademark CACHE CACHE No. 017449646 registered on March 28, 2018 in classes 3, 9, 14, 16, 18, 24, 25, 35, 41 and 42;
- French Trademark CACHE CACHE No.3412484 registered on February 27, 2006 in classes 14, 18, 20, 24 and 25;
- International trademark CACHE CACHE No.1103397 registered on April 22, 2011 in classes 18 and 25, designating European Union, Germany, Switzerland, Morocco, Egypt, Ghana, Monaco, Norway and Oman.

These trademarks are currently in use, notably through the Complainant's official website <https://www.cache-cache.fr/>. The Complainant is also the owner of the domain name <cache-cache.fr>.

The Complainant's CACHE-CACHE fashion products are being sold in 450 shops in France and 933 globally.

B. Respondent:

The Respondent appears to be an individual based in An Hui, 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.

D. Findings of fact:

The Registration Date of the Disputed Domain Name is:

CACHECACHE-FRANCE.SHOP: February 29, 2024

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.

First, the Complainant claims rights in the CACHE CACHE mark through its global trademark registrations. By virtue of its trademark registrations, Complainant has proved that it has rights in the mark under URS 1.2.6.1.



The Complainant also claims that the Disputed Domain Name incorporates the entire CACHE CACHE trademark and the additional term FRANCE has no other purpose than making Internet users to believe that the Disputed Domain Name is owned by the Complainant. Thus, the Disputed Domain Name is confusingly similar with the trademarks of the Complainant.

By comparing the Complainant's CACHE CACHE trademark and the Disputed Domain name, the Examiner accepts that the Disputed Domain Name is confusingly similar to Complainant's CACHE CACHE trademark, and the additional geographical term "FRANCE" and hyphen do not negate the confusing 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 domain name, 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 CACHE CACHE trademark or to register any domain name incorporating the CACHE CACHE trademark. There is no legal or business relationship between the Complainant and the Respondent. The Respondent has no prior rights such as trademarks or legitimate interests in the Disputed Domain Name as the registration of the Disputed Domain Name was after the registration of the Complainant's CACHE CACHE trademarks. In particular, the Disputed Domain Name is used in connection with a fraudulent website which reproduces the Complainant's trademark, logo, pictures, items etc.

Having reviewed the screenshots of the website resolved by the Disputed Domain Name, the Examiner notes that the website published the Complainant's CACHE CACHE logo and the Complainant's CACHE CACHE products were listed for sale on it. On this basis, 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 Name 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 domain name are in bad faith.

The Complainant claims that the Respondent has intended to attract consumers by using the CACHE CACHE trademark in the Disputed Domain Name. In addition, the Respondent reproduces the general appearance of the Complainant's official website and claims to offer CACHE CACHE goods at bargain prices to attract the consumer and carry out scams. The Respondent presents itself as the Complainant under the "about us" section and claims the website as an official clearance store on the main page. Moreover, when registering the Disputed Domain Name, the Respondent employed a privacy service in order to hide its identity.

Having reviewed the screenshots of the websites resolved by the Disputed Domain Name and in the absent of Respondent's official Response, the Examiner agrees that the Respondent did have actual knowledge of the CACHE CACHE trademark during the registration of the Disputed Domain Name demonstrating the bad faith registration. The Respondent also disrupts Complainant's business and attempts to commercially benefit off the CACHE CACHE trademark in bad faith. See *Pierce Protocols Limited vs. Protection of Private Person, Privacy Protection*, B170FBFC (MFSD 2022-08-11) ("The content of the website by the disputed domain name also demonstrates Respondent's knowledge of Complainant's mark and targeting (see e.g. URS dispute No. FC8FA784: 'The website under the disputed domain name reproduces the Complainant's products, logo and official marketing materials what indicates undoubtful prior knowledge of the Complainant and its trademarks...')."). See also *Pegase vs. Mao Chao*, 89E1DC6E (MFSD 2023-12-06) ("The Respondent reproduces the general appearance of the Complainant's official website and claims to offer not only LA HALLE goods, but also LH, LIBERTO, CREEKS and MOSQUITOS items at bargain prices in order to attract the consumer and carry out scams (See WIPO UDRP D2021-3719, holding that such a use is "emblematic of bad faith use of the disputed domain name").")

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

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name(s): CACHECACHE-FRANCE.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: Paddy
Surname: Tam
Date: 2024-04-04