



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

**URS DISPUTE NO. A2BFB219**

Determination DEFAULT

**I. PARTIES**

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

Respondent(s): Lin Lin (CN)

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

Domain Name(s): LAHALLEFR.VIP  
Registry Operator: Registry Services, LLC  
Registrar: Namesilo, LLC

**III. PROCEDURAL HISTORY**

Complaint submitted: 2024-01-17 17:10  
Lock of the domain name(s): 2024-01-26 18:12  
Notice of Complaint: 2024-01-29 15:43  
Default Date: 2024-02-13 00:00  
Notice of Default: 2024-02-13 09:04  
Panel Appointed: 2024-02-13 09:05  
Default Determination issued: 2024-02-13 14:22

**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, Pegase, is a company organized under the laws of France and is active in the fashion industry.

In particular, the Complainant is the holder of many trademarks registered all around the world, as LA HALLE, a renowned brand of women, men and children fashion:

- International word mark, LA HALLE AUX VETEMENTS
  - registration number: 486315
  - registration date: July 6, 1984
  - class 25 for footwear;
- International word/design mark, LA HALLE Mode, Chaussures & Maroquinerie
  - registration number: 1213360
  - registration date: April 10, 2014
  - classes 18 (bags), 25 (Clothing, footwear, headgear) and 35 for retail sale services;
- International word/design mark LA HALLE Fashion, Shoes & Bags
  - registration number: 1254519
  - registration date: March 19, 2015
  - classes 18 (handbags), 25 (Clothing, footwear, headgear, shirts; clothing of leather or imitation of leather, belts (clothing), furs (clothing), gloves (clothing), scarves, neckties, hosiery, socks, bedroom slippers, beach, ski or sports footwear; underwear) and 35 (retail sale services).

All of the Complainant's trademarks contain the distinctive and dominant element LA HALLE.

The Complainant is also the owner of several fashion brands, sold in La Halle stores like LH, LIBERTO, CREEKS and MOSQUITOS for which the latter also owns trademark rights.

The Complainant asserts the following regarding the Respondent:

1. The registered domain name is identical or confusingly similar to a word or mark [URS1.2.6.1]: 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 name [URS 1.2.6.2];
3. The domain name was registered and is being used in bad faith [URS 1.2.6.3].

## **B. Respondent:**

The Respondent appears to be an individual based in Fu Zhou, Fu Jian, 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:



LAHALLEFR.VIP: 2024-01-10

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 brand of women fashion which also owns trademark registrations for the wording LA HALLE in different jurisdictions.

The Complainant claims that the Disputed Domain Name reproduces the trademark LA HALLE of the Complainant, which is the dominant and distinctive element of his trademarks, in a leading position. The second element FR, which is the country code for France, the country of origin of the Complainant is descriptive. This additional term does not add any distinctiveness and the use of this suffix enhances the likelihood of confusion, since the Complainant is a company well-known in France under the name "LA HALLE". In addition, the domain extension .vip does not prevent the finding of a confusing similarity as it enhances and reinforces confusion among internet users looking for special offers regarding clothes branded La Halle. Thus, the Disputed Domain Name is confusingly similar with the trademarks of the Complainant.

By doing side-by-side comparison, the Examiner accepts that the Disputed Domain Name is confusingly similar to the Complainant's LA HALLE trademark, and the additional term FR and .vip domain extension 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 lacks rights and legitimate interests in the domain name, and the burden of prove then shifts to the Respondent 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 LA HALLE to register any domain name incorporating the trademark LA HALLE. 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 Disputed Domain Name was registered after the registration of Complainant's LA HALLE trademarks and domain names. In particular, the Disputed Domain Name was used in connection with a fraudulent website which reproduces the Complainant's official website as well as trademark, logo, pictures, etc. Selling counterfeit products is not a legitimate non-commercial use and does not offer bona fide offering of goods, as it proposes the goods of the Complainant.

Having reviewed the screenshots of the website provided by the Complainant, 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. The burden of proof has been shifted to the Respondent to prove that it has right or legitimate interests to the disputed domain name. However, the Respondent has not submitted any response to rebut the assertion.

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 Disputed Domain Name was used in bad faith since the Respondent has intentionally intended to attract consumers by using the trademark LA HALLE in the Disputed Domain Name. 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. On the home page of the website resolved by the Disputed Domain Name, the Respondent impersonates the Complainant as the official LA HALLE boutique, which evinces bad faith of the Respondent. As a reminder, the Respondent has never been authorized by the Complainant. Moreover, the Respondent has employed a privacy service to hide its identity and avoid being notified by a complaint.

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

Demonstrated

### B. Complaint and remedy

Complaint: Accepts

Domain Name(s): LAHALLEFR.VIP

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: 2024-02-13