



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

**URS DISPUTE NO. CBBBCB78**

Determination DEFAULT

**I. PARTIES**

Complainant(s): ETAM (FR)

Complainant's authorized representative: Domgate (FR)

Respondent(s): Yuan Yan He (CN), Yan Hu (CN), Yong Jian Zhao (CN), Hai Ling Huang (CN), He Rong (CN)

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

Domain Names: ETAM-FRONLINE.SHOP, ETAM-INTIMI.SHOP, ETAMFR.SHOP, ETAMFRONLINE.SHOP, FR-ETAM.SHOP, FRANCE-ETAM.SHOP, FRETAM.SHOP

Registry Operator: GMO Registry, Inc.

Registrar: Chengdu west dimension digital technology Co., LTD

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-12-19 10:25

Lock of the domain name(s): 2023-12-27 10:48

Notice of Complaint: 2023-12-27 18:11

Default Date: 2024-01-11 00:00

Notice of Default: 2024-01-11 17:25

Panel Appointed: 2024-01-11 17:59

Default Determination issued: 2024-01-14 18:43

**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:**

Based in France, the Complainant, Etam, is one of the world's most popular international lingerie brands. It has a considerable global presence and reputation which sells tens of millions of products a year from over 3,700 stores in 54 countries worldwide.

The first Etam store opens in 1916 in Germany and in 1928 in France. In 2020, the Etam group net sales were 14 million of Euros. Through its international website [www.etam.com](http://www.etam.com) and declinations, Etam is selling to customers in dozens of countries and by this way known also by people living in countries where there is no shop.

All the information regarding Etam can be found on the official website <https://etam-groupe.com/en/groupe-etam/> and the press room on <https://press.etam.com/en/>. Etam is also very present and followed on social networks.

The Complainant is the holder of numerous ETAM trademarks duly registered over the world. The Complainant owns more than 200 trademarks over the world consisting of or containing ETAM, including but not limited to the followings:

- The international trademark ETAM No.216180 was registered in 1959 and covers more than 30 countries in classes 1, 2, 23, 24 and 25.
- The international word trademark ETAM No.744378 was registered in 2000 and covers 30 countries including China in classes 3, 9, 18 and 25.
- The international figurative trademark ETAM No.1115884 was registered in 2012 and covers 16 countries including the United States in classes 3, 9, 14, 16, 18, 25, 26, 28 and 35.

The Complainant asserts the following regarding the Respondent:

1. The registered domain names are 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 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 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 Disputed Domain Names is the same based on the following reasons:

- The Disputed Domain Names were all registered in a period of less than one month (from October 10, 2023 to November 7, 2023);
- The concerned Registrar of the Disputed Domain Name is Chengdu West Dimension Digital Technology;
- The concerned host is Cloudflare;
- The Disputed Domain Names resolved to the same counterfeiting website in French language using ETAM trademark, logo and old photographs.

After having reviewed the case, including the screenshots resolved by the Disputed Domain Names provided by the Complainant, the Examiner finds that the content of the websites is highly identical. The Examiner hereby accepts to consolidate the Disputed Domain Names in the present URS proceeding.

#### **D. Findings of fact:**

The Registration Date of the Disputed Domain Names are:

- ETAM-FRONLINE.SHOP: October 13, 2023
- FRETAM.SHOP: October 28, 2023
- ETAMFR.SHOP: October 30, 2023
- FR-ETAM.SHOP: October 31, 2023
- FRANCE-ETAM.SHOP: October 31, 2023
- ETAMFRONLINE.SHOP: November 06, 2023
- ETAM-INTIMI.SHOP: November 07, 2023

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 lingerie brand which also owns trademark registrations for the wording ETAM in different jurisdictions.

The Complainant claims that the Disputed Domain Names are confusingly similar to the ETAM trademark as they consist of either the entire ETAM mark plus descriptive terms like ONLINE, FRANCE and INTIMI referring to intimacy (intimité in French) associated sometimes to the France ISO Code FR and the generic extension .SHOP. The choice of the generic words ONLINE, FRANCE, INTIMITY and the letters FR is also relevant as ETAM trademark is well-known for its French origin and selling underwear in real shops and online.

By doing side-by-side comparisons, the Examiner accepts that the Disputed Domain Names are visually similar to Complainant's ETAM trademark and the additional terms, letters and/or hyphen 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 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 no license or permission of any kind has been given by the Complainant to the Respondent to use the Complainant's trademarks and the Respondent is not known under the name ETAM. The website attached to all of the Disputed Domain Names is the same. It is a commercial website imitating the Complainant official website, using its trademark, logo and old photographs (as the woman in green bath suit in the main page) from the trademark official website and selling counterfeiting products.

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 domain name are in bad faith.

The Complainant claims that the Disputed Domain Names were used in bad faith by resolving to a commercial website imitating the Complainant official website and selling counterfeiting products. There is no doubt that the Respondent registered and is using the Disputed Domain Names in order to make money from the confusion with ETAM trademarks. Consequently, it is obvious that the Respondent has registered and is using the Disputed Domain Names in bad faith.

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 ETAM trademark demonstrating the bad faith registration, disrupts Complainant's business and attempts to commercially benefit off the ETAM 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: ETAM-FRONLINE.SHOP  
Suspends for the balance of the registration period

Domain Name: ETAM-INTIMI.SHOP  
Suspends for the balance of the registration period

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

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

Domain Name: FR-ETAM.SHOP  
Suspends for the balance of the registration period

Domain Name: FRANCE-ETAM.SHOP  
Suspends for the balance of the registration period

Domain Name: FRETAM.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: 2024-01-14