



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

**URS DISPUTE NO. D94ADA7F**

Determination DEFAULT

**I. PARTIES**

Complainant(s): Ami Paris (FR)  
Complainant's authorized representative: IP TWINS (FR)

Respondent(s): Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf (IS)

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

Domain Name: AMIOUTLETS.STORE  
Registry Operator: Radix FZC  
Registrar: NameCheap, Inc.

Domain Name: AMISALES.STORE  
Registry Operator: Radix FZC  
Registrar: NameCheap, Inc.

**III. PROCEDURAL HISTORY**

Complaint submitted: 2022-11-16 10:45  
Lock of the domain name(s): 2022-11-22 11:44  
Notice of Complaint: 2022-11-23 16:34  
Default Date: 2022-12-09 00:00  
Notice of Default: 2022-12-08 18:41  
Panel Appointed: 2022-12-08 18:47  
Default Determination issued: 2022-12-13 21:42

**IV. EXAMINER**

Examiner's Name: Ganna Prokhorova

The Examiner certifies that she has acted independently and impartially and to the best of her 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 AMI PARIS, a French prêt-à-porter clothing company founded in France in 2010 by Alexandre Mattiussi. The Complainant opened stores in France, Japan, China, and the United Kingdom. The Complainant's products are currently sold in more than 600 retail points worldwide. The Complainant owns a number of trademarks containing the term "ami", including the following:

- International trademark (fig.) No. 1383326, registered on 31 October 2017, designating goods in international classes 14, 18 and 25, and covering Iceland (the alleged location of the Respondent);
- International trademark (fig.) No. 1418777, registered on 31 May 2018, designating products in classes 18, 25 and 35, and covering Iceland (the alleged location of the Respondent);
- International trademark ami paris No. 1507316, registered on 4 October 2019, designating products in international classes 14, 18 and 25, and covering Iceland (the alleged location of the Respondent);
- French trademark AMI(E) ALEXANDRE MATTIUSSI No. 3784266, registered on 19 November 2010, duly renewed, and designating products in international classes 14, 18 and 25;
- French trademark ami paris No. 3797848, registered on 14 January 2011, duly renewed, and designating products in international classes 14, 18 and 25.

The Complainant further submits that the domain names <amisales.store> and <amioutlets.store> can be subjected to one single complaint.

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. The Respondent 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]:

The domain names were registered in order to prevent the trademark holder or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct.

The domain names were registered primarily for the purpose of disrupting the business of a competitor.



By using the domain names, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location.

**B. Respondent:**

The Respondent has not filed an official response within the deadline.

**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.

Complainant further submits that the domain names <amisales.store> and <amioutlets.store> can be subjected to one single complaint.

The Examiner agrees on the consolidation of the proceedings, since according to the case file the Respondent is one and the same: the contact information is the same; both domain names <amisales.store> and <amioutlets.store> make use of the same name servers (Cloudflare) and resolve to online shops offering clothing items that do not correspond to the Complainant's products for sale; both domain names <amisales.store> and <amioutlets.store> have a similar page structure and banner ("Semi-annual Sale: up to 70% off, ends on Oct. 30nd. - All orders" / "Halloween Sale: up to 70% off, ends on Oct 31nd. - All orders"); and both start with the Complainant's trademark plus a generic word pertaining to Complainant's field of activity. Therefore, the Examiner has verified that the Complaint has adequately described and proved that the Disputed Domain Names are registered by the same domain-name holder, and therefore, the proceedings shall be consolidated.

**D. Findings of fact:**

The registration dates of the Disputed Domain Names are as below:

<amisales.store>: 2022-06-07

<amioutlets.store>: 2022-06-07

Despite 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.

[URS 1.2.6.1] The registered domain name(s) is/are identical or confusingly similar to a word mark:

- (i) for which the Complainant holds a valid national or regional registration and that is in current use; or
- (ii) that has been validated through court proceedings; or

(iii) that is specifically protected by a statute or treaty in effect at the time the URS complaint is filed.

[URS 1.2.6.2] Registrant has no legitimate right or interest to the domain name.

[URS 1.2.6.3.] The domain was registered and is being used in bad faith.

## **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 needs to prove its rights in a word mark and the domain name(s) is/are identical or confusingly similar to the word mark.

In the present case, the Examiner finds that the Complainant is reputed and well-known for its products and also owns trademark registrations containing the term "ami" in different jurisdictions.

The Complainant claims that the Disputed Domain Names are confusingly similar to its trademarks. They are constituted of Complainant's trademarks plus the generic words "sales" and "outlets"; these terms correspond to the field of activity of Complainant.

In addition, the Examiner also finds that the ".store" generic top-level domain ("gTLD") does not prevent the finding of confusing similarity under the first element.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1 as the Disputed Domain Names are confusingly similar to the Complainant's registered trademarks.

### **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(s), and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that no authorization or permission of any kind has been given by the Complainant to the Respondent to register and use the Disputed Domain Names.

A worldwide trademark search failed to reveal any trademark containing the word "ami" registered in the name of the Respondent. The Disputed Domain Names are not used in connection with a *bona fide* offering of goods or services. To the contrary, the Disputed Domain Names resolve to online shops which offer clothing items competing with Complainant's products for sale. The Respondent is not known, as an individual or an organization, by the Disputed Domain Names. Therefore, the Examiner agrees that the Disputed Domain Names are attempting to trade off the goodwill of the Complainant's trademarks.

The Examiner finds that the Complainant has met its burden and 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.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2 as the Respondent has no legitimate rights or interest to the Disputed Domain Names.

### **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 the Disputed Domain Names were registered and are being used in bad faith since the Registrant has intentionally attempted to attract consumers by using in such domain name the "ami" trademark of the Complainant.

The Complainant has provided evidence that its trademark "ami" has been recognized by the consumers and is well known and has reputation over the world for many years that was confirmed in decisions issued by the WIPO Arbitration and Mediation Center, such as WIPO Case No. D2022-0362.

The Examiner also found that the Respondent knew, or should have known, the existence of the Complainant when registering the Disputed Domain Names. The results of a simple Google search on "ami" shows that the top results relate to Complainant; a search on the term "ami" combined with "clothing" (Respondent offers clothes for sale via their Disputed Domain Names) only shows results related to the Complainant. The fact that the Respondent offers clothing items for sale on the Disputed Domain Names shows the bad faith of Respondent in that they must have had knowledge of the business of Complainant.

At the same time, the Examiner did not find evidence that the Disputed Domain Names were registered primarily for the purpose of disrupting the business of a competitor.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.3 as the Respondent registered the Disputed Domain Names and is using them in bad faith.

#### **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):

AMIOUTLETS.STORE Suspends for the balance of the registration period

AMISALES.STORE 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: Ganna

Surname: Prokhorova

Date: 2022-12-13