



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

**URS DISPUTE NO. DD71CB05**

Determination DEFAULT

**I. PARTIES**

Complainant(s): Caroll International (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: CAROLL-FRANCE.SHOP  
Registry Operator: GMO Registry, Inc.  
Registrar: Chengdu west dimension digital technology Co., LTD

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-12-05 17:37  
Lock of the domain name(s): 2023-12-08 10:51  
Notice of Complaint: 2023-12-08 20:28  
Default Date: 2023-12-23 00:00  
Notice of Default: 2023-12-26 21:59  
Panel Appointed: 2023-12-27 18:23  
Default Determination issued: 2024-01-02 12:01

**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 the renowned French fashion house CAROLL, a women's clothing brand established in 1963. CAROLL products are sold via more than 500 of its stores in France and abroad.

The Complainant is the owner of numerous trademarks registrations all around the world, including:

- French Trademark "CAROLL" no. 1233265, registered on April 15, 1983 for goods in classes 18, 25;
- European Union Trademark "CAROLL" no. 009892431, registered on September 16, 2011 for goods in classes 14, 18, 25;
- International Trademark "CAROLL" no. 1208979, registered on February 25, 2014 for goods in classes 18, 25, 35.

The official webpage of the Complainant is [www.caroll.com](http://www.caroll.com).

The Complainant asserts the following regarding the Respondent:

1. The registered domain name <caroll-france.shop> is identical or confusingly similar to a word or mark [URS 1.2.6.1]:

(i) 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 name [URS 1.2.6.2];

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

d. By using the domain name(s), 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.

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

Despite the Respondent has defaulted, URS Procedure 1.2.6 requires the 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] Respondent 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 a reputed company, especially in France, because of its activity in the fashion industry. The Complainant also owns trademark registrations in different jurisdictions all over the world.

The Complainant claims that the Disputed Domain Name is identical to the "CAROLL" trademark. The Examiner accepts that the Disputed Domain Name includes the Complainant's "CAROLL" trademark in its entirety and additional word "France" in the Disputed Domain Name does not alter the underlying trademark or negate the confusing identity to the "CAROLL" trademark. Moreover, the use of the geographic term "France" after the trademark "CAROLL" increases the likelihood of confusion with CAROLL, because is directly identifying the origin of the original products, as CAROLL is domiciled in France.

In addition, the Examiner also finds that the ".shop" new generic top-level domain ("new gTLD") does not prevent the finding of confusing similarity under the first element. Furthermore, the use of such new gTLD additionally augments the probability of confusion on behalf of the consumers that seek for the Complainant and its products on the Internet.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1 as the Disputed Domain Name is 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 the Respondent has not been authorized by the Complainant to use the "CAROLL" trademark in the Disputed Domain Name or the content of the website. There is no legal or business relationships between the Complainant and the Respondent. The

Respondent has no prior rights such as trademarks or legitimate interests in the Disputed Domain Name as he registered it after the Complainant had registered the "CAROLL" trademark. Thus, the Respondent's use is not a legitimate noncommercial or fair use, and is not in connection with a *bona fide* offering of goods or services.

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 Name 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 Name.

### **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 Name are in bad faith.

The Complainant claims and provides documentary evidence that the website associated with the Disputed Domain Name is a fraud page registered with the purpose of taking unfair advantage of the reputation of the Complainant and its trademarks, since the Respondent has intentionally attempted to attract consumers to his website by using the "CAROLL" trademark in the Disputed Domain Name. Furthermore, the Respondent reproduces the general appearance of the Complainant's official website using the Complainant's trademark throughout the mentioned website without any authorization of the Complainant.

From all the above, the Examiner finds that the Respondent's purpose is to capitalize on the reputation of the Complainant's "CAROLL" trademark by diverting Internet users seeking the Complainant's products to his website for financial gain, intentionally creating a likelihood of confusion with the Complainant's trademark to the source, sponsorship, affiliation, or endorsement of his website and/or the goods offered or promoted through said website.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.3 as the Respondent registered the Disputed Domain Name and is using it 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: CAROLL-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: Ganna

Surname: Prokhorova

Date: 2024-01-02