



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

**URS DISPUTE NO. ECC38B4D**

Determination DEFAULT

**I. PARTIES**

Complainant(s): AMI (FR)

Complainant(s)'s authorized representative(s): 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(s): AMIWEB.STORE, AMILTD.STORE, AMISTREETWEAR.STORE,  
AMISWEATSHIRTS.STORE, AMISHIRT.STORE, AMITEE.STORE,  
AMISHIRTS.STORE

Registry Operator: DotStore Inc.

Registrar: Namecheap, Inc.

**III. PROCEDURAL HISTORY**

Complaint submitted: 2022-07-05 10:37

Lock of the domain name(s): 2022-07-14 13:49

Notice of Complaint: 2022-07-18 12:49

Default Date: 2022-08-02 00:00

Notice of Default: 2022-08-02 16:21

Panel Appointed: 2022-08-02 16:21

Default Determination issued: 2022-08-05 09:31

**IV. EXAMINER**

Examiner's Name: Eugénie Chaumont

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 names 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 provided the following arguments in support of its Complaint.

The Complainant contends that it is a well-known (WIPO UDRP Case No. D2022-0362, AMI Paris v. Erin Grifitse) fashion house founded in 2011 by the designer Alexandra Mattiussi, specializing in prêt-à-porter (ready to wear) and fashion accessories.

The Complainant asserts that it owns 20 stores in six countries and 395 other points of sale across 40 countries.

The Complainant alleges to own an extensive number of registered trademarks worldwide, all emphasizing the word “AMI”.

The Complainant mentions the website [www.amiparis.com](http://www.amiparis.com) and indicates that it was registered on, and has been used since, November 15, 2014.

The Complainant details commonalities between the disputed domain names that justify them being subject of the same Complaint (registration date, registrant, contact information, DNS and hosting provider, attached websites, name construction, latin script).

The Complainant contends that the Respondent uses the Complainant’s earlier trademarks in the disputed domain names without authorization or license.

The Complainant underlines the fact that the disputed domain names point to websites displaying a copy of previous advertising campaigns of the Complainant (February 2021), or to websites selling competing goods.

The Complainant claims that use in the disputed domain names of generic words that describe or are close to its field of activity, and of websites that impersonate the Complainant show that Respondent has registered and is using the disputed domain names in bad faith.

### **B. Respondent:**

The Respondent did not submit a Response to the Complaint.

### **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.

The Complainant requests that the disputed domain names be consolidated in a single proceeding because they have sufficient commonalities.

The Examiner, in reviewing the evidence finds that all the disputed domain names can be consolidated in the same proceeding.



Indeed, even if the disputed domain names were not registered on the same day as stated by the Complainant, they have been registered within a ten-days period (two of them were registered on May 19, 2022; four of them were registered on May 29, 2022 and one of them just one day after).

Moreover, the Registrar, hosting and domain privacy providers are identical and most importantly the content of the associated webpages is the same for most of them (including the reproduction of the Complainant's trademark and its previous advertising campaign). All the domain names concerned point to websites selling clothing bearing the Complainant's trademark or displaying products from its competitors.

One can thus infer that the website owner is the same for each of the disputed domain names and the absence of any Response from the Respondent tends to confirm it.

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

The registration dates of the disputed domain names are May 19, 29 and 30, 2022.

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] 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:**

For the Complainant to succeed, it must establish that each of the three conditions under the URS Procedure 1.2.6 are satisfied.

The burden of proof shall be clear and convincing evidence.

To conclude in favor of the Complainant, a Determination shall be rendered that there is no genuine issue of material fact.

The Complainant shall present adequate evidence to substantiate its trademark rights in the domain name(s) (e.g. evidence of a trademark registration and evidence that the domain name(s) was(were) registered and is(are) being used in bad faith in violation of the URS). If the Complainant does not meet its burden of proof or genuine issues of material fact remain in regards to any of the elements, the Complaint shall be rejected.

## **1. The domain names are identical or confusingly similar to a word mark**

The first information given in a URS Complaint is the name and contact information of the complaining party according to URS Procedure 1.2.1.

In the present dispute the information given by the Complainant is:

Name and surname: Legal Department  
Company name: **AMI**  
Address: 3 cour Berard, 75004, Paris, France  
Telephone: +33.142789312  
Fax:  
E-mail: [apairault@abinitio.eu](mailto:apairault@abinitio.eu)

Afterward, and as required by URS Procedure 1.2.5, information regarding the trademarks on which the Complaint is based is to be provided.

Here, the Complainant mentions 3 international trademarks and 2 French trademarks detailing their numbers, date of registration, classes and date of renewal.

Among the Annexes the Complainant provides a table mentioning the more relevant trademarks, but without mentioning the trademark owner, nor enclosing any registration certificate or providing any proof of use.

No K-Bis extract (document attesting the legal existence of a company in France) or even a printout of the information from an unofficial company information website is provided.

The WHOIS of the Complainant's domain name amiparis.com, attached to the Complaint, indicates as owner AMI PARIS.

The previous UDRP decision (WIPO Case No. [D 2022-0362](#)), mentioned and provided by the Complainant, also mentions AMI PARIS as Complainant.

The Examiner made further searches and verifications even if in a URS case she is not supposed to do so.

The Examiner noticed that another UDRP decision was rendered concerning AMI PARIS and its trademarks (WIPO UDRP Case No. [D 2016-0456](#)).

In the INPI and WIPO online databases the owner of the mentioned trademarks is a company named AMI PARIS.

Therefore, there is an inconsistency in the name of the Complainant in the Complaint and in the trademark databases, WHOIS and previous UDRP decisions.

In a similar case, a UDRP Panel would have asked for an amendment of the Complaint but this is not possible in a URS procedure (see for example [WIPO Case N° D2014-0499](#)).

Moreover, another requirement of the URS is to provide evidence of use of the Complainant's trademarks (URS Procedure 1.2.6.1 mentioned above).

This Complaint was filed with MFSD and this USD provider provides a very clear and useful page for Complainants: [10 TIPS AND TRICKS BEFORE STARTING AN URS DOMAIN DISPUTE](#).



Point 5 reminds the Complainants, that URS is a specific procedure and that a particular attention should be paid to the documentary evidence and give clear examples.

#### 5. Prepare all documentary evidence and a brief explanatory statement

Once you have filed the Complaint, it shall not be amended. Hence, all evidence has to be filed together with the complaint. You shall prepare and attach to the complaint the proof of: the ownership of the trademark on which the complaint is based (certificate of registration); the current use of the trademark (e.g. brochure, printout of the complainant's website or a declaration of such use); the data of the registrant (whois search); the infringing bad faith use of the domain name (screenshot of the website to which the domain resolves). Prepare a brief maximum 500-word statement to explain your claim.

In the present case, the Complainant has not provided a SMD proving the registration of the trademark in the TMCH, nor a declaration of use or even the printout of his website to prove the use of its trademarks.

Therefore, the Complainant has not given clear and convincing evidence that the disputed domain names are identical or confusingly similar to a word mark for which the Complainant holds a valid national or regional registration and that is in current use.

Therefore, the Examiner finds that the requirements of the Paragraph 1.2.6.1 of the URS Procedure has not been satisfied.

As the first element is not satisfied the Examiner will not detail the other elements which are nevertheless relevant and deny the relief requested according to Paragraph 8.6 of the URS Procedure.

#### **4. Abusive Complaint**

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

### **VIII. DETERMINATION**

#### A. Demonstration of URS elements

Not demonstrated

#### B. Complaint and remedy

Complaint: Rejects

Domain Name(s):

AMIWEB.STORE Unlocks and returns to the full control of the Registrant

AMILTD.STORE Unlocks and returns to the full control of the Registrant

AMISTREETWEAR.STORE Unlocks and returns to the full control of the Registrant

AMISWEATSHIRTS.STORE Unlocks and returns to the full control of the Registrant

AMISHIRT.STORE Unlocks and returns to the full control of the Registrant

AMITEE.STORE Unlocks and returns to the full control of the Registrant

AMISHIRTS.STORE Unlocks and returns to the full control of the Registrant

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

## **SIGNATURE**

Name: Eugénie

Surname: Chaumont

Date: 2022-08-05