



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

**URS DISPUTE NO. FE683F5A**

Determination DEFAULT

**I. PARTIES**

Complainant(s): SOCIÉTÉ D'EXPLOITATION DE L'HEBDOMADAIRE LE POINT (FR)  
Complainant's authorized representative: Domgate (FR)

Respondent(s): Host Master, 1337 Services LLC (KN)

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

Domain Name(s): LEPOINT.FOO  
Registry Operator: Charleston Road Registry Inc.  
Registrar: Tucows Domains Inc.

**III. PROCEDURAL HISTORY**

Complaint submitted: 2024-03-04 13:34  
Lock of the domain name(s): 2024-03-11 20:21  
Notice of Complaint: 2024-03-12 13:49  
Default Date: 2024-03-27 00:00  
Notice of Default: 2024-03-27 15:00  
Panel Appointed: 2024-03-27 15:01  
Default Determination issued: 2024-03-27 15:58

**IV. EXAMINER**

Examiner's Name: Mariia Koval

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, founded in 1972, is a well-known French weekly political and conservative news magazine having a strong reputation for independent reports, focusing on current events with in-depth journalistic precision. In 1997, the Complainant was acquired by its current owner Artémis, a French investment group. In 2020 the Complainant's magazine "LE POINT" had a circulation of more than 270 000 copies. According to the results of One Premium survey (2017), "LE POINT" is leader amongst French magazines in terms of reach with 810,000 premium readers, being available on all media with over 10 million digital unique visitors.

The Complainant is the owner of, among others, the following LE POINT trademark registrations (hereinafter "the Complainant's Trademark"):

- International trademark No. 353807, registered since March 28, 1969, in class 16;
- International trademark No. 396678, registered since February 2, 1973, in class 16;
- French Trademark No. 1521707, registered on March 30, 1989 in classes 16 and 28.

The Complainant contends that the disputed domain name is at least confusingly similar to the Complainant's Trademark since the disputed domain name reproduces Complainant's Trademark in its entirety with the mere addition of the ".foo" new gTLD.

The Complainant further claims that the Respondent has no legitimate right or interest to the disputed domain name. The Complainant's Trademark rights largely predate the registration of the disputed domain name. No license or permission of any kind has been given by the Complainant to the Respondent to use the Complainant's Trademark. The Respondent is not known under the name LE POINT and the website under the disputed domain name was imitating the Complainant official website and even in French language.

The Complainant also asserts that that the disputed domain name was registered and is being used in bad faith. The disputed domain name is currently inactive. However, the disputed domain name previously resolved to a website which imitated the Complainant's official website. The false article on the Respondent's website regarding France and Russia was connected with the rest of the official Complainant's website content. Only by examining the URL one could determine whether it was the Complainant's official website or the website under the disputed domain name. The Respondent never replied to the Complainant's several attempts to contact him but instead he took down his website. However, it seems that illegal activities are still attached to the disputed domain name. The intent of the Respondent was to tarnish the reputation of the Complainant's magazine and/or to obtain money. There is no doubt that the Respondent registered and is using the disputed domain name in order to make money from the confusion with the Complainant's Trademark and/or tarnish the reputation of the Complainant's magazine.

## **B. Respondent:**

No Response has been submitted by the Respondent.

## **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 August 7, 2023.

The Complainant owns a number of trademark registrations around the world, all consisting in the distinctive term “LE POINT”, including:

- International trademark No. 353807, registered since March 28, 1969, in class 16;
- International trademark No. 396678, registered since February 2, 1973, in class 16;
- French Trademark No. 1521707, registered on March 30, 1989 in classes 16 and 28.

The Complainant operates the domain names <lepoint.com>, <lepoint.fr>, <lepoint.eu>, <lepoint.me>, <lepoint.co>, <lepoint.app>, <lepoint.tv> and many others, and the related websites for the promotion of its magazine, and has accounts on the social networks Facebook, Instagram and YouTube.

At the date of this Determination, the website under the disputed domain name is inactive.

In the past, the disputed domain name resolved to a website imitating the Complainant’s official website, but containing false content.

The Complainant sent a cease and desist letter to the Respondent through the Registrar, but no response was received from the Respondent.

#### **E. Reasoning:**

According to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

Even 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 the Complainant to succeed, it must establish that each of the three following conditions under 1.2.6 URS Procedure are satisfied:

- That the disputed domain name is identical or confusingly similar to a word mark;
- That the Registrant has no legitimate right or interest to the disputed domain name;
- That the disputed domain name was registered and is being used in bad faith.

#### **1. The domain name(s) is(are) identical or confusingly similar to a word mark**

Under the Paragraph 1.2.6.1 of the URS Procedure, the Complainants shall prove “that the registered domain name is 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”.

The Complainant contends that the disputed domain name is 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. The Complainant has provided sufficient evidence to prove its existing ownership to and use of the registered trademark “LE POINT”.

The disputed domain name incorporates the Complainant's Trademark in its entirety with the addition of the TLD suffix ".foo". The addition of the TLD ".foo" does not affect the finding of confusing similarity of the disputed domain name to the Complainant's Trademark.

Therefore, the Examiner finds that the disputed domain name is confusingly similar to the Complainant's trademark and consequently the Examiner finds that the requirement set forth under Paragraph 1.2.6.1. of the URS Procedure has been satisfied.

## **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 proof then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Respondent has no legitimate right or interest to the disputed domain name, providing evidence in confirmation of this assertion.

The Respondent, in the absence of any response, has not shown any facts or elements to justify rights or legitimate interests in the disputed domain name.

According to the Complaint, the Respondent is not affiliated with the Complainant in any way and no license or permission of any kind has been given by the Complainant to use the Complainant's Trademark.

The Respondent, which has no connection with the Complainant, does not seem to have legitimate interests or rights in the registration and in the use of the disputed domain name. The website under the disputed domain name is currently inactive. However, before filing the Complaint, the disputed domain name resolved to a website in French language imitating the Complainant's website but with false content. The Internet users might have well been under the impression that it is a website created and operated by the Complainant that is not true.

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.

Based on the above, the Examiner finds that the Respondent lacks rights or legitimate interests with respect to the disputed domain name as per the requirements set forth under Paragraph 1.2.5.2 of the URS Procedure.

## **3. The domain name(s) was(were) registered and is(are) being used in bad faith**

According to URS Procedure 1.2.6.3, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. URS Procedure 1.2.6.3 identifies non-exclusive list of circumstances that Examiner could consider as constituting bad faith.

The Respondent registered the disputed domain name more than 50 years after the registration and use of the Complainant's Trademark. In consideration of the reputation achieved by such Trademark worldwide, it is clear that the Respondent was very well aware of the Complainant's Trademark when he registered the disputed domain name. Moreover, the Respondent's prior knowledge of the Complainant's Trademark is also supported by the use of the disputed domain name. The disputed domain name currently resolves to an inactive website. However, the Complainant states and provides sufficient evidence to prove that before filing the Complaint the disputed domain name resolved to a website in French language imitating the Complainant's website but with false content. The Internet users might have well been under the impression



that it is a website created and operated by a certified service provider of the Complainant that is not true. Therefore, the Respondent intentionally attempted to attract for commercial gain, Internet users to his web site at the disputed domain name by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, and endorsement of the Respondent's web site.

Such previous use of the disputed domain name in this Examiner's point of view has already created actual confusion with the Complainant's Trademark as to source, sponsorship, affiliation, or endorsement of the Respondent's website and therefore does not qualify as a bona fide use, but on the contrary, this is a clear bad faith use of the disputed domain name.

Finally, the Respondent, not participating in these proceedings, has failed to indicate any facts and/or evidence, which would show the good faith registration and use of the disputed domain name.

In the absence of any explanation from the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the Complainant's Trademark demonstrating the bad faith registration and use of the disputed domain name and disrupts the Complainant's business.

For the foregoing reasons, the Panel finds 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(s): LEPOINT.FOO

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: Mariia

Surname: Koval  
Date: 2024-03-27