



URS DEFAULT DETERMINATION

LAFUMA SAS v. et al.

Claim Number: FA2204001990799

DOMAIN NAME

<lafumaoutlets.store>

PARTIES

Complainant: LAFUMA SAS of Annecy, France.

Complainant Representative:

Complainant Representative: Germain Maureau of LYON, France.

Respondent: Wang Honghui of 台州市 [Tai Zhou City], International, CN.

Respondent Representative: None

REGISTRIES and REGISTRARS

Registries: DotStore Inc.

Registrars: Name.com, Inc.

EXAMINER

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Examiner in this proceeding.

David L. Kreider, Chartered Arbitrator (UK), as Examiner.

PROCEDURAL HISTORY

Complainant submitted: April 4, 2022

Commencement: April 5, 2022

Default Date: April 20, 2022

Having reviewed the communications records, the Examiner finds that the FORUM has discharged its responsibility under URS Procedure Paragraphs 3 and 4 and Rule 4 of the Rules for the Uniform Rapid Suspension System (the "Rules").

RELIEF SOUGHT

Complainant requests that the domain name be suspended for the life of the registration.

STANDARD OF REVIEW

Clear and convincing evidence.

FINDINGS and DISCUSSION

The Complainant, a French based company specializing in outdoor equipment and clothing since 1930, owns trademarks and domain names composed of the denomination LAFUMA, notably UE trademark LAFUMA N°006800734 filed on 25/03/2009, UE trademark N°007187339 filed on 26/08/2009, WO trademark LAFUMA N°693976 filed on 31/03/1998 and WO trademark N°991727 filed on 25/11/2008.

Even though 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:

1. The registered domain name is identical or confusingly similar to a word or mark for which the Complainant holds a valid national or regional registration and that is in current use;

2. The Registrant has no legitimate right or interest to the domain name;
3. The domain name was registered and is being used in bad faith.

The Complainant has succeeded in proving all three elements.

The Disputed Domain Name <lafumaoutlets.store> incorporates the Complainant's registered mark LAFUMA in its entirety, with the addition of the generic term "outlets" and the gTLD ".store", which serves only to enhance confusing similarity under the first element of Policy.

The Complainant avers there is no business affiliation between the Parties, nor was any permission or license given to the Respondent by the Complainant to use LAFUMA and the marks in a domain name or on a website.

The Respondent's website is virtually indistinguishable from the Complainant's official website. It is noted that the Respondent's website includes the annotation "Copyright © 2021 LAFUMA SHOP INC. All Rights Reserved", whereas the Complainant's official website does not, reflecting the Respondent's clear intention to mislead Internet users by impersonating the Complainant's official website.

The Expert accepts the Complainant's evidence that the Respondent is selling counterfeited products at indicated prices that are "5 times cheaper" than the legitimate goods "which cannot even cover the production cost".

By clear and convincing evidence, the Complainant has proven that the Respondent registered and is using the Disputed Domain Name in bad faith, to intentionally target the Complainant's successful LAFUMA mark to attract for commercial gain, Internet users to Registrant's website by creating a likelihood of

confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Registrant's website or of the products or services on that website.

DETERMINATION

After reviewing the Complainant's submissions, the Examiner determines that the Complainant has demonstrated all three elements of the URS by a standard of clear and convincing evidence; the Examiner hereby Orders the following domain names be SUSPENDED for the duration of the registration.

<lafumaoutlets.store>



David L. Kreider, Esq.
Panelist

David L. Kreider, Examiner

Dated: April 20, 2022