Panel Decision for dispute CAC-ADREU-008773

Case number	CAC-ADREU-008773
Time of filing	2025-06-23 17:52:57
Domain names	lagardere-tr.eu

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	LAGARDERE SA

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Sienna Hersey

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

The Panel is not aware of any other legal proceedings that are pending or decided which relate to the disputed domain name <lagardere-tr.eu>.

FACTUAL BACKGROUND

The Complainant, Lagardère SA, is a multinational Publisher created in 1992, with operations in publishing, travel retail, and media. It owns the following trademark registrations:

- international trademark LAGARDERE n°751186 dated October 18, 2000, duly renewed;
- international trademark LAGARDERE + logo n°954315 dated August 31, 2007, duly renewed;
- international trademark LAGARDERE n°989729 dated February 29, 2008, duly renewed;
- European trademark LAGARDERE n°006529747 filed December 19, 2007, registered November 21, 2008, duly renewed;
- international trademark LAGARDERE TRAVEL RETAIL + logo n°1296840 dated December 15, 2015.

The Complainant also owns significant domain names:

- <lagardere.com> registered since August 2, 1995;
- <lagardere-tr.com> registered since December 10, 2014.

The disputed domain name <lagardere-tr.eu> was registered on December 31, 2024 and resolves to a parking page where it is offered for sale for 1 299 USD.

The Complainant submitted the following documents to prove the abovementioned facts:

- Annex 1: Information regarding the Complainant
- Annex 2: Information regarding LAGARDERE TRAVEL RETAIL
- Annex 4: Complainant’s domain names
- Annex 5: Whois of the disputed domain name
- Annex 3: Complainant’s trademarks
- Annex 6: Screenshot of the website related to the disputed domain name
- Annex 7: Google results for the terms “LAGARDERE TR”

A. COMPLAINANT

The Complainant states that the disputed domain name <lagardere-tr.eu> is confusingly similar to its registered LAGARDERE trademark. The disputed domain name incorporates the LAGARDERE trademark in its entirety, with the mere addition of “TR”, which precisely refers to the Complainant’s Travel Retail business.

The Respondent is neither known by the name nor authorised by the Complainant to use the LAGARDERE trademark. Furthermore, the Complainant states that there is no affiliation or business relationship between the two parties.

Currently, the disputed domain name resolves to a parked page offering the domain name for sale. The Complainant believes this reinforces the claim that the Respondent lacks any legitimate interest. Thus, the Complainant concludes that Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant also asserts that the disputed domain name was registered and is being used in bad faith. The Respondent must have been aware of the LAGARDERE trademark at the time of registration.

Additionally, the commercial use of the disputed domain name, which is currently for sale, is cited as further evidence of bad faith registration and use.

B. RESPONDENT

No Response was filed in these proceedings.

DISCUSSION AND FINDINGS

Under Article 4(4) of Regulation (EU) 2019/517 on the implementation and functioning of the .eu top-level domain names (**Regulation**), a domain name may be revoked, and where necessary subsequently transferred to another party following an appropriate ADR or judicial procedure, where that name is identical or confusingly similar to a name in respect of which a right is established by Union or national law, and where it:

- has been registered by its holder without rights or legitimate interest in the name; or
- has been registered or is being used in bad faith.

The Panel must decide a Complainant on the basis of the statements and documents submitted and in accordance with the Procedural Rules, see 11 (a) of the .eu Alternative Dispute Resolution Rules (**ADR Rules**). If a Party fails to comply with any time period established under the Rules, the Panel may consider this failure as grounds to accept the claims of the other party (ADR Rules, Paragraph B10).

To succeed in its Complaint, the Complainant must show that:

(1) the domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by the national law of a Member State and/or European Union law and

(2) either:

(ii) the domain name has been registered by the Respondent without rights or legitimate interest in the name; or

(iii) the domain name has been registered or is being used in bad faith.

(See Paragraph B11(d)(1) of the ADR Rules and Article 4 (4) of the Regulation.)

Identical or confusingly similar

The Panel finds that the disputed domain name <lagardere-tr.eu> is confusingly similar to its registered trademark "LAGARDERE" as it fully incorporates Complainant’s trademark.

Furthermore, the addition of the letters “TR” does not sufficiently distinguish the disputed domain name from the trademark. The Panel is of the opinion that the addition of this term does not change the overall impression of the disputed domain name, which remains strongly connected to the Complainant’s "LAGARDERE" trademark.

In addition, the the ccTLD ".EU" does not affect the likelihood of confusion.

For these reasons, the Panel finds that the disputed domain name <lagardere-tr.eu> is confusingly similar to the Complainant's trademark "LAGARDERE," thereby satisfying the first element of confusing similarity as outlined in Article 4(4) of the Regulation and Paragraph B11(d)(1)(i) of the ADR Rules.

No rights or legitimate interest

The Complainant has provided evidence of its trademark registrations for "LAGARDERE" under both French and EU law, which predate the registration of the disputed domain name. The Respondent, which is in default, didn't contest that it is not affiliated with the Complainant, is not licensed to use the Complainant’s trademark and does not conduct any business on behalf of the Complainant.

There is no indication that the Respondent is using the disputed domain names in connection with a bona fide offering of goods or services or for a legitimate non-commercial purpose.

As already mentioned, the Respondent has failed to file a Response or provide any evidence to demonstrate that it has any rights or legitimate interests in the disputed domain name, or that it is commonly known by the disputed domain name.

Taking these factors into account, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name, and the requirements of Paragraph B11(d)(1)(ii) of the ADR Rules and Article 4(4)(a) of the Regulation are satisfied.

Registered or used in bad faith

Although the Panel's finding that the Respondent has no rights or legitimate interests in the disputed domain name is sufficient for the Complainant to prevail, there is also compelling evidence demonstrating that the disputed domain name was registered and is being used in bad faith.

The Respondent registered the disputed domain name <lagardere-tr.eu> long after the Complainant had registered its trademark "LAGARDERE." A search for “LAGARDERE TR” on Google reveals results directly related to the Complainant’s subsidiary LAGARDERE TRAVEL RETAIL further confirming the disputed domain name's connection to the Complainant’s brand.

Additionally, the disputed domain name <lagardere-tr.eu> directly refers to Complainant’s official website, https://www.lagardere-tr.com/. Indeed, the composition of the disputed domain name is identical to the Complainant’s “lagardere-tr”. It is reasonable to conclude that the Respondent, who is located in France, was aware of the Complainant’s trademark at the time of registration.

Moreover, the disputed domain name resolves to a parking page displaying a general offer to sell the domain for 1,299 USD.

Previous panels have held that failure to actively use a domain name constitutes evidence of bad faith registration and use. In the case CAC-ADREU-001043, the panel concluded that the Respondent registered the domain name <pixyfoto.eu> without any legitimate interest and offered it for sale, which was deemed as bad faith use. The panel emphasised that the Respondent did not use the domain name in commerce and intended to sell it to the Complainant, thereby disrupting the Complainant's business activities.

For these reasons, the Panel finds that the Respondent both registered and is using the disputed domain name <lagardere-tr.eu> in bad faith, as required under Paragraph B11(d)(1)(iii) of the ADR Rules and Article 4(4)(b) of the Regulation.

Eligibility criteria

The Complainant requests the transfer of the disputed domain name. Established in France, the Complainant meets the general eligibility criteria for domain name registration as outlined in Article 3 of the Regulation and is therefore entitled to request the transfer of the disputed domain name.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12(b) and (c) of the ADR Rules, the Panel orders that the disputed domain name <lagardere-tr.eu> be transferred to the Complainant.

PANELISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2025-06-23

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <lagardere-tr.eu>

II. Country of the Complainant: France, country of the Respondent: France

III. Date of registration of the domain name: 31 December 2024

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:

1. International trademark LAGARDERE n°751186 dated October 18, 2000, duly renewed;
2. International trademark LAGARDERE + logo n°954315 dated August 31, 2007, duly renewed;
3. International trademark LAGARDERE n°989729 dated February 29, 2008, duly renewed;
4. European trademark LAGARDERE n°006529747 filed December 19, 2007, registered November 21, 2008, duly renewed;
5. International trademark LAGARDERE TRAVEL RETAIL + logo n°1296840 dated December 15, 2015.

V. Response submitted: No

VI. Domain name is identical to the protected rights of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):

1. No
2. Why: The Respondent is neither authorised by nor affiliated with Lagardère SA, is not commonly known by the disputed name, and merely points the domain to a parking page without any bona-fide offering of goods or services.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Yes
2. Why: The Respondent, located in France, registered the domain long after the Complainant's trademarks were established, chose a name identical to the Complainant's <lagardere-tr.com> corporate URL and prior trademarks, and offers it for sale for USD 1 299, which conduct the Panel to confirm clear evidence of registration and use in bad faith.

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Transfer of the disputed domain name to the Complaint

XI. Procedural factors the Panel considers relevant: None

XII. Is Complainant eligible? Yes