

Panel Decision for dispute CAC-ADREU-008937

Case number CAC-ADREU-008937

Time of filing 2026-06-29 12:54:13

Domain names pomona-groupe.eu

Case administrator

Olga Dvořáková (Case admin)

Complainant

Organization POMONA

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name Lagaille Bruno

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 related to the disputed domain name.

FACTUAL BACKGROUND

The Complainant is a limited company with a registered address at 3 Avenue Du Docteur Tenine, Antony, France.

The Respondent is a natural person named Lagaille Bruno using an identical address at 3 Avenue Du Docteur Tenine, Antony, France

The disputed domain name relates to the website www.pomona-groupe.eu. The Respondent registered the disputed domain name on 20 November 2025

A. COMPLAINANT

The Complainant seeks a decision transferring the disputed domain name to the Complainant.

The Complainant explains that it is a leading wholesale food distribution company in France, founded in 1912 and with some 12,300 employees. It cites 5 separate "Pomona" trademarks of which it is the registered owner:

- POMONA n°828825 registered since 14-11-2003;
- POMONA n°601897 registered since 01-06-1993;
- POMONA n°1525401 registered since 20-04-1989;
- POMONA n°352662 registered since 20-12-1968;
- POMONA n°315457 registered since 23-06-1966

It is also the registered owner of the domain names www.groupe-pomona.fr and www.groupepomona.com.

In relation to the disputed domain name, it states as follows:

1. The disputed domain name is confusingly similar to the Pomona trademark, and the domain name includes the Pomona trademark in its entirety. It contends that the inclusion of the word "Groupe" and the EU domain does not change the overall impression that it is

connected to the Pomona trademark and that there is a likelihood of confusion between the disputed domain name and the Complainant, its trademark, and its associated domain names.

2. That the Respondent has no rights or legitimate interest in the disputed domain name. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain name <pomona-groupe.eu> and he is not related in any way with the Complainant. They say that the Complainant does not carry out any activity for, nor has any business with the Respondent. They further cite that the disputed domain name has been inactive since it was registered.
3. That the Respondent has registered and is using the subject domain name in bad faith. They contend that the Respondent has used the Complainant's own address when registering the disputed domain name in a deliberate attempt to mislead and further contend that the Respondent's failure to make an active use of the subject domain name is evidence of bad faith. Lastly, it contends that there is no legitimate use for the disputed domain name by the Respondent and raises a concern that setting the domain up with MX records creates a risk that it could be used for email purposes.

B. RESPONDENT

The Respondent has not filed a response to the Complaint. The Respondent was notified of the Complaint on 20 April 2026 and was notified of the deadline to file a response on 05 May 2026. It is noted that a reminder notification was sent to the Respondent on 24 May 2026 and a default notification was sent to them on 26 May 2026. The case file contains no reply whatsoever from the Respondent.

DISCUSSION AND FINDINGS

The Respondent did not file a response to the Complaint. Although the failure to file a response may be considered by the Panel as grounds to accept the claims of the Complainant, the Complainant is still required to demonstrate that the provisions of Paragraph B11(d)(1) of the ADR rules are satisfied.

Under Article 21(1) of Commission Regulation (EC) No. 874/2004 ("the Regulation") in order to succeed the Complainant must prove that:

- (1) the domain name is identical or confusingly similar to a name in respect of which a right is recognised by the national law of a Member State and/or Community law and; either
- (2) the domain name has been registered by the Respondent without rights or legitimate interest in the name; or
- (3) the domain name has been registered or is being used in bad faith.

Dealing with each of the above in turn:

1. Identical or Confusingly Similar

The Panel finds from the evidence submitted with the Complaint that the Complainant has established rights in relation to its registered trademarks. Evidence of registration of the trademarks was exhibited at Annex 2 of the Complaint. Evidence of usage of the brand name and similar domain names was exhibited at Annex 3 of the Complaint. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the ones in which the Complainants have rights.

2. The domain has been registered by the Respondent without rights or legitimate interest in the name

Under the ADR Rules, the burden of proof for the lack of rights and legitimate interests of the Respondent lies with the Complainant. The Complainants in this case have submitted that the Respondent does not and never has carried out any work with the Complainant and is not commonly known by the disputed domain name. It is not currently being used and has never used in the subject domain name. Evidence of inactivity was submitted at Annex 5 of the original complaint in the form of a screenshot of an inaccessible web page from 14 April 2026.

The Panel has reviewed the screenshot and the details furnished. The Panel does not find any evidence sufficient upon which to find that the Respondent has used or made demonstrable preparations to use the disputed domain name at all. The Respondent has no established link to the disputed domain name. There is no clear legitimate, non commercial or fair use of the disputed domain name and the Panel finds that the domain has been registered by the Respondent without rights or legitimate interest in the name.

3. The domain name has been registered or is being used in bad faith

The Panel has regard to paragraph B11(f)(2)(ii) of the ADR Rules regarding the use of the domain name and the circumstances that may be taken into consideration. In the present complaint, it is clear that there has been no evidence submitted by the Respondent that the disputed domain name is in active use. Furthermore, the Complainant has submitted evidence in Annex 6 that the disputed domain name has been set up with MX services, which may be indicative of email addresses being used in bad faith and it is also noted that the address used by the Respondent was the registered address of the Complainant in France. The Panel accepts that the Respondent has registered the disputed domain name in bad faith.

Eligibility:

The Complainant is a limited company established in France, with its registered place of business within the EU, satisfying the general eligibility criteria set out in Article 3 (c) of Regulation (EU) 2019/517. The Panel therefore finds that the Complainant is eligible to hold a .eu domain name.

DECISION

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

PANELISTS

Name **Griffin Conor**

DATE OF PANEL DECISION **2026-06-29**

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name:

- pomona-groupe.eu

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

III. Date of registration of the domain name: 20 November 2025

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

1. Combined trademark registered in France, reg. No. 1525401, for the term of 40 years, registered on 20 April 1989 in respect of goods and services in classes 29, 30, 31 and 39
2. Not Applicable
3. Combined CTM, reg. No. 828825, for the term of 30 years, registered on 14 November 2003 in respect of goods and services in classes 29, 30, 31 and 39
4. Combined CTM, reg. No. 601897, for the term of 40 years, registered on 01 June 1993 in respect of goods and services in classes 29, 30, 31 and 39
5. geographical indication: Not Applicable
6. designation of origin: Not Applicable
7. unregistered trademark: The Complainant has established unregistered trademark rights through over 100 years trading in the name "Pomona" and with the associated websites being used in its trade.
8. business identifier: Complainant has traded under the name "Pomona" for over 100 years
9. company name: Pomona SA
10. family name: Not Applicable
11. title of protected literary or artistic work: Not Applicable
12. other: Not Applicable

V. Response submitted: No

VI. Domain name is confusingly similar to the protected right/s of the Complainant

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

1. No
2. The records show no rights or legitimate interests on the part of the Respondent in the disputed domain name and the Complainant has shown that the disputed domain name is inactive and also stated that the Respondent does not and has never carried out any work with the Complainant.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):

1. Yes
2. The Panel finds no evidence that the disputed domain name has been in active use since it was established and notes the additional factors that the address used for the disputed domain name registration was the same as the Complainant's registered address in France, as well as setting up the domain with MX services.

IX. Other substantial facts the Panel considers relevant: None

X. Dispute Result: Transfer of the disputed domain name

XI. Procedural factors the Panel considers relevant: The Respondent failed to submit any response to the Complaint within the mandatory deadline specified by the ADR rules, despite reminders. Although the Panel can draw adverse inferences from this, it has considered all aspects of the Complaint in reaching its decision.

XII. [If transfer to Complainant] Is Complainant eligible? Yes

