



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2501959
Complainant:	AMTD Group Inc.
Respondent:	Manish Singh
Disputed Domain Name(s):	<lofficiel.co>

1. The Parties and Contested Domain Name

The Complainant is AMTD Group Inc., British Virgin Islands.

The Respondent is Manish Singh, India.

The domain name at issue is <lofficiel.co> (the “**Disputed Domain Name**”), registered by the Respondent with NameCheap, Inc., of 4600 East Washington Street, Suite 300, Phoenix, AZ 85034, USA.

2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“**ADNDRC**” or the “**Centre**”) on January 14, 2025, seeking a cancellation of the Disputed Domain Name.

The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “**Policy**”), the Rules for the Uniform Domain Name Dispute Resolution Policy (the “**Rules**”), and the ADNDRC Supplemental Rules for the Policy and the Rules (the “**Supplemental Rules**”).

On January 15, 2025, the Centre sent an email to the Registrar requesting detailed information regarding the registrant. On the same date, the registrar, NameCheap, Inc., sent the Centre its response, noting that the language of the registration agreement is English, verifying the Respondent is listed as the registrant, and providing the contact details.

In accordance with the Rules, the Centre formally notified the Respondent of the Complaint. The proceedings commenced on January 27, 2025, and the deadline for the Response was set for February 16, 2025. The Centre received no response from the Respondent within the given time.

On February 17, 2025, the Centre sent the parties a Notification of Respondent in Default and appointed Ho-Hyun Nahm, Esq. as Sole Panelist in the administrative proceeding. After Mr. Nahm consented to the appointment and declared his impartiality and independence, the Centre, in accordance with Paragraph 7 of the Rules, organized the Panel for this case in a legitimate way.

3. Factual background

A. Complainant

In early 2022, the Complainant's group acquired L'Officiel Inc. SAS, the parent company of Les Editions Jalou (“**LEJ**”). LEJ, a French company, operated the Jalou family's publishing group, which published high-quality fashion magazines, including L'Officiel. First published in Paris in 1921, L'Officiel is distributed globally through licensed local publishers in various jurisdictions, including Hong Kong, France, the USA, and China. As part of their transactions, LEJ granted the Complainant a perpetual, irrevocable, exclusive, royalty-free, and sub-licensable license for the use of the “L'OFFICIEL” mark and its variations globally. Since 2023, the Complainant has applied for and registered multiple marks incorporating “L'OFFICIEL” in various countries. Following the acquisition, the magazine has been published and promoted worldwide under the AMTD L'OFFICIEL marks.

B. Respondent

The Disputed Domain Name was registered on May 27, 2023. The website associated with the Disputed Domain Name displays the Complainant's L'OFFICIEL marks. The Respondent's website alleges connection with the Complainant's magazine.

4. Parties' Contentions

A. Complainant

(i) The Complainant holds rights to the “L'OFFICIEL” trademarks in both plain word and stylized forms across multiple jurisdictions, *inter alia*, through its registration with the China National Intellectual Property Administration (“**CNIPA**”) (e.g., Reg. No. 11210188, registered on February 28, 2016). The Disputed Domain Name is confusingly similar to the “L'OFFICIEL” trademark, in which the Complainant has established rights.

(ii) The Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Complainant has not authorized the Respondent to use its trademark or domain name in any capacity. The Respondent is not commonly known by the Disputed Domain Name, nor does it appear to have engaged in any *bona fide* or legitimate business under it. Additionally, the Respondent is not making fair use of the Disputed Domain Name but instead misrepresents itself as the Complainant by displaying the Complainant's L'OFFICIEL marks and falsely asserting an affiliation with the Complainant's magazine.

(iii) It is implausible that the Respondent, whether as the operator of the Respondent's website or the publisher of the Respondent's magazine, was unaware of the L'OFFICIEL mark as identifying the Complainant. Furthermore, the Respondent engages in passing off by explicitly claiming affiliation, asserting that L'OFFICIEL Colombia is part of a global fashion and lifestyle magazine network. The Respondent's concealment of the identity of

its website operator evidences an intent to exploit the well-established goodwill and reputation of the Complainant's magazine in blatant bad faith.

(iv) In light of the foregoing, the Disputed Domain Name should be canceled.

B. Respondent

The Respondent did not submit a Response in this proceeding.

5. Findings

(i) The Disputed Domain Name is subject to the UDRP.

(ii) The Disputed Domain Name was registered on May 27, 2023.

(iii) The Complainant has established rights in the "L'OFFICIEL" trademarks, in both plain word and stylized forms, across multiple jurisdictions, *inter alia*, through its registration with CNIPA (e.g., Reg. No. 11210188, registered on February 28, 2016).

(iv) The website to which the Disputed Domain Name resolves prominently features the Complainant's "L'OFFICIEL" trademark in its stylized form and offers unauthorized magazine publications.

6. Discussions

A. Preliminary: Applicability of the Policy to the ".co" Country Code TLD

The Disputed Domain Name includes the ".co" country code top-level domain (ccTLD) for Colombia. Generally, the Policy applies to generic top-level domains (gTLDs). However, the Panel notes that the ".co" ccTLD has expressly adopted the Policy for resolving domain name disputes. Accordingly, disputes involving the Disputed Domain Name is subject to the same UDRP procedures applicable to gTLDs.

B. Substantive: Paragraph 4 of the Policy

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (i) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to Paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to Paragraph 14(b) of the Rules. The Panel is entitled to

accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. *See* WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“**WIPO Jurisprudential Overview 3.0**”), at section 4.3; *see also eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire*, FA 157287 (Forum Jun. 26, 2003) (“Because Complainant did not produce clear evidence to support its subjective allegations [. . .] the Panel finds it appropriate to dismiss the Complaint”).

A) Identical / Confusingly Similar

The Panel notes that the Complainant holds trademark rights in the “L’OFFICIEL” trademarks, in both plain word and stylized forms, across multiple jurisdictions, *inter alia*, through its registration with CNIPA (e.g., Reg. No. 11210188, registered on February 28, 2016). Registration of a mark with national trademark authorities constitutes valid proof of rights in a mark. As the Complainant has provided evidence of its trademark registrations, the Panel finds that the Complainant has established rights in the relevant marks under Paragraph 4(a)(i) of the Policy.

The Complainant further contends that the disputed domain name <lofficiel.co> is confusingly similar to the Complainant’s L’OFFICIEL mark. The Panel observes that the Disputed Domain Name incorporates the Complainant’s L’OFFICIEL mark in its entirety, with the only alteration being the omission of the apostrophe— which cannot be included in domain names— and the addition of the “.co” country code top-level domain (ccTLD). These modifications do not prevent a finding of confusing similarity. Accordingly, the Panel concludes that the Disputed Domain Name is confusingly similar to the Complainant’s mark under Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Complainant must first establish a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name under Paragraph 4(a)(ii) of the Policy. Once this burden is met, the burden of production shifts to the Respondent to demonstrate that it does have rights or legitimate interests. *See* WIPO Jurisprudential Overview 3.0, at section 2.1 (“Where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”).

The Complainant asserts that the Respondent has no rights or legitimate interests in the Disputed Domain Name, emphasizing that it has never had any business relationship with the Respondent and that the Respondent could not possibly have been commonly known by the Disputed Domain Name. The Panel notes that relevant information, such as WHOIS data, may serve as evidence in assessing whether a respondent is commonly known by the Disputed Domain Name under Paragraph 4(c)(ii) of the Policy. In this case, the WHOIS information lists “Manish Singh” as the registrant, and there is no evidence on record to suggest that the Respondent was ever authorized to use the mark. Accordingly, the Panel finds that the Respondent is not commonly known by the Disputed Domain Name under Paragraph 4(c)(ii) of the Policy.

Furthermore, the Complainant contends that the Respondent is not making fair use of the Disputed Domain Name but is instead misrepresenting itself as the Complainant by displaying the Complainant’s L’OFFICIEL marks and falsely claiming an affiliation with the Complainant’s magazine. While the Complainant has not submitted direct evidence to substantiate these assertions, the Panel, upon reviewing the website

associated with the Disputed Domain Name and the Complainant's official website, observes that the Respondent has taken the Complainant's publications online, modifying them as if they were its own by merely replacing "Malaysia" with "Colombia" while retaining the Complainant's AMTD IDEA name and logo. The Respondent's website prominently features a nearly identical logo to that on the cover of the Complainant's magazine, thereby exploiting public familiarity with the L'OFFICIEL mark and the AMTD L'OFFICIEL marks to create a likelihood of confusion regarding source, sponsorship, or affiliation.

Passing off as the Complainant does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use under Paragraph 4(c)(i) or (iii) of the Policy. *See Spigen Korea Co., Ltd. v. Jie Zhu*, KR-2400263 (ADNDRC Sep. 27, 2024) (finding that "passing off as the Complainant does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use under Policy paragraph 4(c)(i) or (iii)."); *see also Ripple Labs Inc. v. Jessie McKoy / Ripple Reserve Fund*, FA 1790949 (Forum Jul. 9, 2018) (finding that the respondent did not use the domain name to make a *bona fide* offering of goods or services under Policy paragraph 4(c)(i) or for a legitimate noncommercial or fair use under Policy paragraph 4(c)(iii), where the website resolving from the disputed domain name featured the complainant's mark and various photographs related to the complainant's business).

The Panel finds that the Respondent creates a false sense of legitimacy, misleading consumers into believing it is related to or affiliated with the Complainant when, in fact, it is not. Therefore, the Panel concludes that the Respondent is not making a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use, under Paragraph 4(c)(i) or (iii) of the Policy.

Based on the foregoing, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. As the Respondent has not filed a Response or otherwise attempted to rebut the *prima facie* case against it, the Panel concludes that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

C) Bad Faith

The Complainant asserts that the Disputed Domain Name was registered and is being used in bad faith, as the Respondent, by registering the domain name, intentionally sought to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or the products and services offered therein. The Respondent presents its publication and magazine as if it were the Complainant or its official distributor, thereby unlawfully profiting from its infringing activities. Additionally, the Respondent uses images from the Complainant's official L'Officiel website to attract customer attention and derive unauthorized commercial gain through the website associated with the Disputed Domain Name.

The Panel finds that passing off as the Complainant while offering competing products for sale constitutes evidence of bad faith registration and use under Paragraphs 4(b)(iii) and 4(b)(iv) of the Policy. *See Spigen Korea Co., Ltd. v. Jie Zhu*, KR-2400263 (ADNDRC Sep. 27, 2024) (finding that "*passing off* as the Complainant while offering to sell competing products constitutes evidence of bad faith registration and use under Policy paragraphs 4(b)(iii) and 4(b)(iv)."); *see also Ontel Products Corporation v. waweru njoroge*, FA1762229 (Forum Dec. 22, 2017) (finding that "Respondent's primary offering seems to be counterfeits of Complainant's toy car products. Respondent's use of the <magictrackscars.com> domain name is thus disruptive to Complainant's business per Policy paragraph 4(b)(iii)."); *see also Russell & Bromley Limited v. Li Wei Wei*, FA

1752021 (Forum Nov. 17, 2017) (finding that the respondent registered and used the at-issue domain name in bad faith by *passing off* as the complainant and offering for sale competitive, counterfeit goods).

As previously noted, the Respondent has taken the Complainant's publications online, modifying them as if they were its own by merely replacing "Malaysia" with "Colombia" while retaining the Complainant's AMTD IDEA name and logo. The Respondent's website prominently features a nearly identical logo to that on the cover of the Complainant's magazine, thereby exploiting public familiarity with the L'OFFICIEL mark and the AMTD L'OFFICIEL marks to create a likelihood of confusion as to source, sponsorship, or affiliation. Therefore, the Panel finds that the Respondent registered and is using the Disputed Domain Name in bad faith under Paragraph 4(b)(iv) of the Policy.

The Complainant further contends that the Respondent registered and is using the Disputed Domain Name with knowledge of the Complainant's rights in the L'OFFICIEL mark. While constructive knowledge alone is insufficient for a finding of bad faith under Paragraph 4(a)(iii) of the Policy, registration of a disputed domain name with actual knowledge of another's trademark rights is sufficient to establish bad faith and can be inferred from the notoriety of the mark and the manner in which the Respondent uses the disputed domain name. *See Herbalife (Shanghai) Management Co., Ltd. v. Yang Kyung Won*, HK-2101461 (ADNDRC Jun. 21, 2021) (finding that "due to the notoriety of Complainant's mark and the manner of use of the disputed domain name—hosting a website displaying hyperlinks for 康宝莱 products—the Respondent had actual knowledge of the Complainant's mark before registering the disputed domain name, and it finds that the Respondent registered and uses the disputed domain name in bad faith under Paragraph 4(a)(iii) of the Policy.").

The Panel agrees and infers, based on the Respondent's use of the Disputed Domain Name—including its mimicry of the Complainant's website and the notoriety of the Complainant's mark—that the Respondent had actual knowledge of the Complainant's rights in the L'OFFICIEL mark at the time of registration. Accordingly, the Panel finds that the Disputed Domain Name was registered and is being used in bad faith.

7. Decision

Having established all three elements required under the Policy, the Panel concludes that the requested relief is hereby **GRANTED**. Accordingly, it is **ORDERED** that the domain name <lofficiel.co> be **CANCELLED**.



Ho-Hyun Nahm
Panelist

Dated: February 18, 2025