

ADMINISTRATIVE PANEL DECISION

L'Oréal v. Schleich Thomas

Case No. D2025-0022

1. The Parties

The Complainant is L'Oréal, France, represented by Dreyfus & associés, France.

The Respondent is Schleich Thomas, Germany.

2. The Domain Name and Registrar

The disputed domain name <lloreal.com> is registered with Hongkong Kouming International Limited (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 3, 2025. On January 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On January 20, 2025, the Center informed the Parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On January 21, 2025, the Complainant filed an amended Complaint in which it requested English to be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint in English and Chinese, and the proceedings commenced on January 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 12, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on February 17, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a French industrial group specialized in the field of cosmetics and beauty, dating back to 1909. Being one of the leading cosmetics groups worldwide, it has a portfolio of international brands and beauty products that covers all the lines of cosmetics. In Germany where Respondent reportedly resides, L'Oréal Germany has 2,500 employees and has a portfolio of 43 beauty brands.

The Complainant owns numerous trademarks containing the wording "L'Oréal" covering multiple jurisdictions, including the following: European Union Trade Mark No. 013117981 for L'OREAL, registered on December 19, 2014, and European Union Trade Mark No. 018217416 for L'OREAL, registered on July 14, 2020.

The Complainant also operates on the Internet its official website "www.loreal.com".

The disputed domain name was registered on November 12, 2024. According to the evidence provided by the Complainant, at the time of filing of this Complaint, the disputed domain name resolves to a website prominently displaying the Complainant's trademark L'OREAL using the same font and layout, as well as showing advertising images of the Complainant's branded products. The Respondent's website also purportedly offers for sale various products including L'OREAL products and third-party cosmetic products, all at discounted prices. There is no disclaimer on the website about the Respondent's (lack of) relationship with the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that: (1) the Complainant is a French company, and the use of Chinese would impose undue burden of additional expenses and delay on the Complainant, and (2) the disputed domain name is formed only by words in Latin characters, strongly suggesting that the Respondent has knowledge of the English language.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the proceedings, and the Complaint. The Respondent did not make any submissions with respect to the language of the proceedings, nor did the Respondent file any Response in either Chinese or English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2 Substantive Issues

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name incorporates the mark nearly in full, changing only by omitting the apostrophe and adding the letter "l" prior to the mark, which is an obvious misspelling of the mark (i.e., typosquatting) and is still considered to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that the composition of the disputed domain name itself, almost reproducing the Complainant's mark in entirety with minor misspelling of omitting the apostrophe and merely adding an extra "l" in the beginning, the same as the first letter of the Complainant's mark, signals the Respondent's ultimate intent to confuse unsuspecting Internet users seeking or expecting the Complainant. Further, available record shows that the Respondent was not affiliated or otherwise authorized by the Complainant nor held any registration of the L'OREAL mark anywhere. There is no evidence indicating that the Respondent may be commonly known by the disputed domain name.

The disputed domain name resolves to a website prominently displaying the Complainant's trademark logo using the same font and layout, as well as images of the Complainant's branded products, without any consent or approval, conveying the false impression about a relationship with, or endorsement by, the Complainant. Nor is there any disclaimer about the Respondent's (lack of) relationship with the Complainant. The Respondent purportedly offered on the website products under various brands including L'OREAL branded products, at substantially discounted prices, and competing third-party products. The Panel is convinced that the Respondent attempted to take an unfair advantage of the false impression created by the disputed domain name and its website. Those cannot constitute a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name.

Furthermore, panels have held that the use of a domain name for illegal activity, here claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has incorporated the Complainant's trademark nearly in full in the disputed domain name. The Complainant's trademark L'OREAL is highly well known globally, including in the location where the Respondent allegedly resides, and the Complainant's registration and use of its mark much predates the Respondent's registration of the disputed domain name. Moreover, the disputed domain name involves a typosquatting through reproducing the first letter of the Complainant's mark, and is nearly identical to the Complainant's domain name <loreal.com>. This signals the Respondent's intention to trade off the Complainant's mark. Thus, the Panel considers that the Respondent must have known the Complainant's mark at the time of registering the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

At the time of filing of the Complaint, the disputed domain name resolves to a website prominently displaying the Complainant's logo and images of the Complainant's branded products. The website offers the products under the Complainant's highly renowned mark together with various products competing with those of the Complainant, many of which are at discounted prices. The Respondent makes no disclaimer clarifying lack of affiliation with or sponsorship from the Complainant. Combined with the previous finding that the disputed domain name constitutes typosquatting of the Complainant's mark, the Panel is convinced that the Respondent's use of the disputed domain name targets the Complainant's well-known mark. Further, it may be inferred that the Respondent intentionally attempted to attract, for commercial gain, 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. The disputed domain name was thus registered and used in bad faith, according to paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <lloreal.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: March 3, 2025