

ADMINISTRATIVE PANEL DECISION

Huda Beauty Limited v. mao xuan
Case No. D2025-1194

1. The Parties

The Complainant is Huda Beauty Limited, British Virgin Islands, United Kingdom, represented by Valea AB trading as Rouse AB, Sweden.

The Respondent is mao xuan, China.

2. The Domain Name and Registrar

The disputed domain name <kayalisperfume.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 24, 2025. On March 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy Purposes, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 25, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 30, 2025.

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, and the proceedings commenced on March 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 25, 2025.

The Center appointed John Swinson as the sole panelist in this matter on May 9, 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 was founded in 2013 by beauty blogger Huda Kattan. The Complainant is a company that sells what it describes as beauty products, such as lip gloss, scents and setting sprays.

The Complainant started in Dubai and now operates over 3,000 stores in 45 countries. The Complainant's website is located at <hudabeauty.com>.

The Complainant offers perfumes under the trademark KAYALI.

The Complainant owns a portfolio of registered trademarks for KAYALI including Australian Registered Trademark No. 1926046 for KAYALI in device format, which has KAY above ALI on different lines inside a square. This registration was filed on May 10, 2018, and registered on December 11, 2018.

The disputed domain name was registered on May 22, 2024.

The Respondent did not file a Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in China.

The website at the disputed domain name is titled "Kayali® Perfume Official Website". It purportedly offers the Complainant's KAYALI perfume products for sale. The website includes the Complainant's logo for KAYALI. Additionally, according to the evidence submitted by the Complainant, the website includes several advertisements for third party products and services, that seemed to be generated using Google AdSense. The website at the disputed domain name does not identify the name of a person or legal entity operating the website. In the contact section of the website, an address for Ohio, United States of America is provided.

The website at the disputed domain name also includes the following content on the About Us page in a section titled "Our Origins": "Kayali Perfume was founded in 2018 by beauty mogul Huda Kattan, who wanted to create a fragrance brand that was deeply personal. The name Kayali pays homage to Huda's heritage – it means 'my imagination' in Arabic. For Huda, fragrance has always been intrinsically tied to her fondest memories, from the scent of oud burning in her grandparents' home, to the sweet perfume her mother wore."

The Respondent submitted a take-down notice to a prior registrar of the disputed domain name. The content was taken down, but then reinstated after the Respondent transferred the disputed domain name to the Registrar. The website at the disputed domain name was modified to include a statement that it is a fan website.

According to the Complainant, the Respondent also registered the domain name <kayaliperfume.co.uk> on July 20, 2024, redirecting this domain name to the disputed domain name. In addition, the Complainant believes that the domain name <kayaliperfume.shop> registered with NameCheap on January 3, 2025, might also be registered by the Respondent.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark KAYALI as the disputed domain name incorporates the entire wordmark.

The Complainant also contends that the Respondent is not using the disputed domain name in connection with any legitimate noncommercial or fair use without intent for commercial gain, is not generally known by the disputed domain name and has not acquired any trademark or service mark rights in that name or mark. The Complainant further submits that the Respondent is neither using the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant submits that the disputed domain name is primarily a pretext for cybersquatting and/or commercial activity. The disputed domain name is allowing the Respondent to benefit from the commercial activity generated by the ads on the website at the disputed domain name using the Complainant's KAYALI trademark and product images.

The Complainant further contends that the content on the disputed domain name is targeting the Complainant's trademark throughout the website thus creating an impression that the disputed domain name is affiliated with the Complainant. For example, at the top of the disputed domain name the Complainant's registered KAYALI figurative trademark is visible in a golden color in connection to various perfume products.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 entirety of the mark is reproduced 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.

Although the addition of other terms (here, the letter “s” and the word “perfume”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

[WIPO Overview 3.0](#), section 1.8.

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.

The Complainant states that the Respondent is not affiliated or related to the Complainant in any way, or licensed or otherwise authorized to use the KAYALI mark in connection with a website, a domain name or for any other purpose.

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.

There is no evidence that the Respondent is actually selling products via the website at the disputed domain name. There is no mechanism to buy products on the website at the disputed domain name.

The website at the disputed domain name includes the following text:

“Our website is created for fans of the Kayali brand. The information displayed on the website is mainly to help users better understand the brand and like it more. All trademarks, logos, and brand names referenced are the property of their respective owners. Our website does not allow users to register, does not collect any user privacy information and credit card information, and our website does not sell any products. If you to purchase products, please visit: [url for Complainant’s website].”

The website at the disputed domain name is not a fan website at all. Rather, it appears to be a website designed to attract traffic looking for the Complainant, gives the impression that it is the Complainant’s website, and then try to divert users to other websites via Google AdSense advertisements (from which the Respondent will earn money from Google). The Panel considers that the disclaimer on the website does not alter the purpose of attracting Internet users based on the use of the Complainant’s trademark.

The Panel finds that the Respondent’s use of the disputed domain name on a website that uses the Complainant’s trademark and logo alongside Google AdSense advertisements that redirect users to other websites promoting a range of different products and services, does not amount to bona fide offering of goods or services. See *Dinotech Limited v. Viktor Meshko*, WIPO Case No. [D2024-4896](#); and *Estee Lauder Inc., Estee Lauder Cosmetics Ltd, Makeup Art Cosmetics Inc. v. Domain Ecommerce, Tolik Ebolik, TolikBinc*, WIPO Case No. [D2024-3331](#).

The website also gives the impression that it is an official website operated by the Complainant, by identifying itself as “Kayali ® Perfume Official Website”, and by referring to themselves as the Complainant (such as “At Kayali Perfume, we believe[...]”, “At Kayali, we view fragrance as [...]” and also by using the Complainant’s figurative mark throughout the website, which it is not. Panels have held that the use of a domain name for illegitimate activity (here, impersonation or 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

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

In the present case, the Respondent created a website that advertises the Complainant’s products, uses the Complainant’s logo and discusses the Complainant’s founder. Clearly, the Respondent was aware of the Complainant when registering the disputed domain name.

The use of disputed domain name containing the Complainant’s trademark to attract traffic to a website with banners advertising a range of goods and services, and Google AdSense links from such banners to third-party websites, is evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

Moreover, Panels have held that the use of a domain name for illegitimate activity (here, impersonation) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. *Regent Bank v. Trey Fisher*, WIPO Case No. [D2024-2995](#).

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 <kayalisperfume.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: May 21, 2025