

ADMINISTRATIVE PANEL DECISION

Clarins v. 张鑫

Case No. DCC2025-0008

1. The Parties

The Complainant is Clarins, France, represented by Tmark Conseils, France.

The Respondent is 张鑫, Hong Kong, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 28, 2025. On April 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 30, 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 (“Unknown”) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 2, 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 May 6, 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 3, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on June 6, 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 company exploiting the cosmetics, skincare, and make-up business for more than 60 years under the CLARINS trademark.

The Complainant operates the domain name <clarins.com>, registered on March 16, 1997, as its official website. The Complainant is the owner of several trademark registrations for CLARINS (Annex 6 to the Complaint), amongst which:

- France trademark registration No. 1637194 for the word mark CLARINS, registered on January 7, 1991, subsequently renewed, in all 45 classes;
- European Union trademark registration No. 005394283 for the word mark CLARINS, registered on October 5, 2010, subsequently renewed, in classes 3, 5, 10, 16, 21, and 44;
- United States of America ("United States") trademark registration No. 935002 for the word mark CLARINS, registered on May 30, 1972, subsequently renewed, in class 3; and
- United States trademark registration No. 1574179 for the word and device mark CLARINS, registered on January 2, 1990, subsequently renewed, in class 3.

The disputed domain name was registered on March 3, 2025, and presently redirects Internet users to a webpage broadcasting pornographic videos.

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 asserts to be one of the major players in the field of cosmetics and make-up Products, having used the CLARINS trademark for more than 60 years and having become well-known worldwide.

The Complainant submits that the disputed domain name entirely reproduces the Complainant's CLARINS trademark, trade name and prior domain name, which is sufficient to establish confusing similarity.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that:

- i. the trademark CLARINS, trade name, and prior domain names have been in use for a long time and enjoy a world-wide reputation in the cosmetic industry;
- ii. the Respondent is not affiliated in any manner to the Complainant, and has never been authorized to use or register in any way the "Clarins" name, including as a domain name;

- iii. the Respondent has not been commonly known by the disputed domain name and has no prior use; and
- iv. the Respondent is not making a noncommercial or a fair use of the disputed domain name, since it is used in connection with a pornographic website, creating a likelihood of confusion with or risk of tarnishment of the Complainant's well-known CLARINS trademark.

Lastly, the Complainant submits that the disputed domain name which entirely incorporates the Complainant's well-known trademark, trade name, and prior domain name in its entirety, was registered and is being used in bad faith given the long-standing-use and well-known character of the CLARINS trademark in order to misleadingly divert Internet users to his website, and to obtain commercial gain from the false impression created with regard to a potential affiliation or connection with the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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 Complainants must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

In that sense, and according to the evidence submitted, the Complainant has made a *prima facie* case against the Respondent who has not been commonly known by the disputed domain name and is neither affiliated in any manner to the Complainant, and has never been authorized to use or register in any way the CLARINS trademark, including as a domain name.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Moreover, considering the broadcasting of pornographic material from the website to which the disputed domain name redirects, the composition of the disputed domain name, which reproduces the Complainant's well-known trademark in its entirety, may mislead Internet users into believing that the disputed domain name is somehow associated with the Complainant, contrary to the fact. Therefore, it is very hard to conceive that the Respondent could have any rights or legitimate interests in the disputed domain name other than to cause potential harm to the Complainant or its clients.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the composition of the disputed domain name reproducing the Complainant's well-known trademark, (previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4);
- b) the Respondent has used the disputed domain name in connection with a pornographic website;
- c) the Respondent has provided no evidence of any actual or contemplated good faith use by it of the disputed domain name; and
- d) the indication of false or incomplete addresses, not being the Center able to deliver the Written Notice to the Respondent.

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 <clarins.cc> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: June 20, 2025