

## **ADMINISTRATIVE PANEL DECISION**

### **Kryolan GmbH v. OC Studio Ruben SAS**

### **Case No. DCO2025-0058**

#### **1. The Parties**

The Complainant is Kryolan GmbH, Germany, represented by DePenning & DePenning, India.

The Respondent is OC Studio Ruben SAS, Colombia.

#### **2. The Domain Name and Registrar**

The disputed domain name <kryolan.co> is registered with GoDaddy.com, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 18, 2025. On July 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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 (Domains By Proxy LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 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 July 23, 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 July 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 21, 2025.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on August 28, 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 German company founded in 1945 and active internationally in the manufacture and sale of cosmetics, maquillage and the like. According to the Complaint the Complainant holds numerous trademarks for “Kryolan”, including the following:

- India trademark 603388, registered for class 3;
- United Kingdom trademark 00900074021, registered for class 3;
- European Union trademark 000074021, registered for class 3;
- United States of America trademark 1167919, registered for classes 3, 21 and 23.

The first two trademarks listed above are also documented in Annex 5 to the Complaint.

The Complainant asserts that it has a significant presence on the Internet, and includes a list of registered domain names for Kryolan in many jurisdictions.

The disputed domain name currently resolves to a “parking” site hosted by GoDaddy.com.

The Respondent appears to be a simplified stock corporation (Sociedad por Acciones Simplificada) in Colombia.

#### **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: that the disputed domain name is identical to its trademarks and company name and is only associated with the Complainant; that the Respondent has been given no right in and has no legitimate right or interest in the disputed domain name; and that the registration of a domain name identical to a well-known trademark is on the facts here constitutive of bad faith registration and use.

The Complainant requests that the disputed domain name be transferred to it.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions, and has consequently defaulted in this proceeding.

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The entirety of the Complainant’s mark is reproduced, without modification or addition, by the disputed domain name; the disputed domain name is thus identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.section 1.8.

The first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

The Complainant has clearly stated that the Respondent is not its licensee and has been given no permission or authorisation to use its trademark in the disputed domain name or otherwise; more generally the Complainant contends that the Respondent has no rights or legitimate interest in the disputed domain name. There is furthermore no evidence that the Respondent is known by the disputed domain name or any variation thereof. The record in this case, likewise provides no evidence or indicia that would suggest that the Respondent has any rights or legitimate interest in the Complainant's trademarks, or was making any legitimate use of the disputed domain name.

UDRP case law and doctrine provide that where, as here, the Complainant has clearly denied any rights or legitimate interests of the Respondent in its trademark this establishes a prima facie case to that effect the burden of production shifts to the Respondent to come forward with relevant evidence demonstrating a right or legitimate interest in the disputed domain name. See WIPO Overview of WIPO Panel Views on Selected UDRP questions, Third Edition at section 2.1.

The Respondent here having failed to answer the Complaint the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

It is here telling that the disputed domain name begins with, contains and reproduces the Complainant's trademark, which is also its company name— and this without modification. There is no basis on which to believe that the disputed domain name was chosen and registered by serendipity or in good faith. On the contrary it can only logically be inferred that the disputed domain name, which has no evident secondary meaning (in English or Spanish, considering the Respondent's address is based in Colombia), is largely or solely associated with the Complainant and its well-known trademark, and was registered by the Respondent for that reason.

The Complainant maintains that there is here no plausible explanation for the use of the disputed domain name envisageable other than a misappropriation of its trademarks and brand. On the facts of this case the Panel must agree; there is here no logical or evidentiary basis to find that the disputed domain name could be put to any good faith use— Telstra and its progeny make clear that the fact that the disputed domain name is currently "parked" does not disturb that conclusion. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel thus considers that the Complainant has met its burden under paragraph 4(a)(iii) 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 determines and rules that the disputed domain name <kryolan.co> be transferred to the Complainant.

*/Nicolas Ulmer/*

**Nicolas Ulmer**

Sole Panelist

Date: September 8, 2025