# ADMINISTRATIVE PANEL DECISION

BrandCo Elizabeth Arden 2020 LLC v. Zhichao
Case No. D2026-1498

## 1. The Parties

The Complainant is BrandCo Elizabeth Arden 2020 LLC, United States of America ("United States"), represented by Dorsey & Whitney, LLP, United States.

The Respondent is Zhichao, China.

## 2. The Domain Names and Registrar

The disputed domain names <eelizabetharden.com>, <elizabeetharden.com> and <elizabethardenn.com> are registered with Dynadot Inc (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 9, 2026. On April 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 12, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Dynadot Privacy Service Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 13, 2026, 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 April 17, 2026.

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 April 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 12, 2026.

The Center appointed Kateryna Oliinyk as the sole panelist in this matter on May 18, 2026. 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, its predecessors and/or licensees of the same (hereinafter the “Complainant”) have manufactured, marketed, and sold cosmetics, skin care and fragrance under the ELIZABETH ARDEN trademark continuously since 1910. The ELIZABETH ARDEN trademark has been registered globally covering a broad range of goods across multiple classes, including cosmetics, skin care products, fragrances along with beauty care services.

The ELIZABETH ARDEN trademark has been protected based on a series of national trademark registrations in the United States, the earliest one registered on July 24, 1951 under registration number 545592 for goods in International Classes 3 and 5.

The Complainant currently owns various domain name registrations incorporating the ELIZABETH ARDEN trademark, including <elizabetharden.com>, <elizabetharden.co.uk> and <elizabetharden.com.au>.

The disputed domain names <elizabethardenn.com>, <elizabeetharden.com> and <eelizabetharden.com> were all created on July 3, 2025, and redirect to the official Complainant’s website.

The Respondent has a history of registering domain names that closely resemble famous and/or well-known trademarks of third parties.

## 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 names.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the ELIZABETH ARDEN trademark.

The Complainant further alleges that the disputed domain names, which incorporates the ELIZABETH ARDEN trademark with some misspellings of the Complainant’s trademark are confusingly similar to the Complainant’s ELIZABETH ARDEN trademark.

Addition of the generic Top-Level Domain (“gTLD”) shall be viewed as a mere registration requirement.

No rights or legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain names, nor is the Respondent affiliated to the Complainant in any form.
There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain names.

There is no evidence of the Respondent's use of the disputed domain names in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain names by the Respondent.

The Complainant contends that it cannot be precluded that the disputed domain names were created for purposes of making use of Complainant's ELIZABETH ARDEN trademark for phishing scams, which phishing scams where the domain name redirects to the brand owner's website are not uncommon.

Registered and used in bad faith

The Complainant contends that the disputed domain names have been registered and are being used in bad faith.

The Complainant first considers that the registration of domain names that are confusingly similar to a widely known ELIZABETH ARDEN trademark, as is the case here, creates a presumption of bad faith. The Complainant adds that the Respondent knew or should have known of the Complainant's trademark rights at the time of registration of the disputed domain names, considering the reputation and distinctiveness of the ELIZABETH ARDEN trademark, which were widely used in commerce well before the registration of the disputed domain names, as well as based on the actual use of the disputed domain names.

The Complainant also considers that the Respondent is not using the disputed domain names for any legitimate or fair purpose and asserts that the use of the disputed domain names for redirection to the Complainant's website confirms bad faith use and registration under the Policy a finding of bad faith, as such use does not only increase online confusion with the Complainant among Internet users, but also demonstrate that the Respondent intentionally registered the disputed domain names to impersonate the Complainant.

**B. Respondent**

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

**6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall 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 directs that the Complainant must prove each of the following:

I. that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
II. that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
III. that the disputed domain names have been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions as to the substance, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

**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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview 3.1, section 1.9.

In this case the disputed domain names consist of a variation of the Complainant's trademark though typos quatting.

Respectively, the Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, 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 that 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 3.1, 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 names. 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 names such as those enumerated in the Policy or otherwise.

The evidence on record shows that the Respondent is not commonly known by the disputed domain names. The Respondent is not making legitimate noncommercial or fair use of the disputed domain names or use for bona fide offering of goods or services, because the disputed domain names redirect users to the official Complainant's website.

The Respondent has not been authorized by the Complainant to use the Complainant's trademark in disputed domain names. 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 names. 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 names such as those enumerated in the Policy or otherwise.

In addition, the evidence demonstrates that the Respondent has used the disputed domain names to divert Internet users to the Complainant's own website. Use of the disputed domain name to redirect Internet users to Complainant's own website cannot confer any rights or legitimate interests in the disputed domain name to Respondent. See *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. D2018-0625 ("Furthermore, panels have found that unauthorized redirection to the Complainant's website does not serve as evidence of rights or legitimate interests. *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. D2017-2533").

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.

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 3.1, section 3.2.1.

In addition to the specific circumstances outlined in UDRP, paragraph 4(b), particular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name; (ii) the chosen top-level domain (e.g., particularly where corresponding to the complainant's area of business activity or natural zone of expansion); (iii) the content of any website to which the domain name directs, including any changes in such content and the timing thereof; (iv) the timing and circumstances of the registration; (v) any respondent pattern of targeting marks along a range of factors, such as a common area of commerce, intended consumers, or geographic location; (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name; or (vii) other indicia generally suggesting that the respondent had somehow targeted the complainant. WIPO Overview 3.1, section 3.2.1.

The Panel finds that the Complainant has provided ample evidence showing that the registration and use of its ELIZABETH ARDEN trademark long predate the registration of the disputed domain names. The Complainant is well established and widely recognized, with its ELIZABETH ARDEN trademark and related products enjoying significant reputation. The Complainant is prominent in the international markets. By factoring configured redirection to the Complainant's website from the disputed domain names, the Respondent was likely aware that the disputed domain names are confusingly similar to the Complainant's trademark at the time of registration. The Panel concludes that the Respondent's awareness of the Complainant's trademark rights at the time of registration indicates bad faith. WIPO Overview 3.1, section 3.2.2.

Use of a domain name incorporating a trademark by an unauthorized third party to redirect Internet users to either a complainant's or a competitor's website is strong evidence of bad faith under paragraph 4(b)(iv) of the Policy. WIPO Overview, section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: … redirecting the domain name to the complainant's (or a competitor's) website…."). A respondent redirecting a domain name to a complainant's website can establish bad faith insofar as the respondent retains control over the redirection thus creating a real or implied ongoing threat to the complainant. See *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. D2018-0625. See also *The Sportsman's Guide, Inc. v. JoyRide*, WIPO Case No. D2003-0153 ("The registration and use of domain names which the Respondent had reason to know were confusingly similar to the Complainant's trademark, in order to divert the Complainant's would-be customers down a route that would trigger a commission for the Respondent, was manifestly below the standards of acceptable commercial behavior. Such use was in bad faith, notwithstanding the fact that the re-routed visitors probably never knew that they had not reached the Complainant's site directly"). Here, the Respondent has misappropriated the Complainant's ELIZABETH ARDEN trademark in the disputed domain names, configured it to redirect to the Complainant's official website, and failed to participate in these proceedings to explain its actions. It is evident that the Respondent registered and used the disputed domain name nearly identical to the Complainant's trademark and domain name to intentionally attract, for commercial gain, Internet users to the website linked to the disputed domain name in a manner that confuses and misleads Internet users. Thus, the Panel infers the Respondent's bad faith based on the fact that the Respondent is trying to gain profit of mistakes such as typographical errors made by Internet users.

The Panel has also found that the Respondent is, as asserted by the Complainant, a serial cybersquatter (i.e., an individual who intentionally registers and uses domain names in bad faith for a commercial purpose) and that this case is part of that pattern.

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 names <eelizabetharden.com>, <elizabeetharden.com>, <elizabethardenn.com> be transferred to the Complainant.

*/Kateryna Oliinyk/*
**Kateryna Oliinyk**
Sole Panelist
Date: June 2, 2026