

ADMINISTRATIVE PANEL DECISION

Kylie Jenner, Inc. v. James Skinner, Bulk Bear Ltd
Case No. D2024-4558

1. The Parties

The Complainant is Kylie Jenner, Inc., United States of America ("United States"), represented by Studio Barbero S.p.A., Italy.

The Respondent is James Skinner, Bulk Bear Ltd, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <kyliecosmetics.net> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 6, 2024. On November 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 2024, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 9, 2024, 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 amendment to the Complaint on November 13, 2024.

The Center verified that the Complaint together with the amendment to the 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 November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2024. The Response was filed with the Center on December 9, 2024. Before filing the Response, the Respondent has submitted an email to the Center on November 14, 2024.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on December 19, 2024. 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.

On December 11, 2024, the Complainant submitted an unsolicited supplemental filing. The Respondent also submitted an unsolicited supplemental filing on December 17, 2024.

4. Factual Background

The Complainant describes itself as a United States cosmetics company which trades worldwide. The Complainant was founded in 2014 by Kylie Jenner, a media celebrity and style icon, and her mother Kris Jenner in partnership with Seed Beauty. In 2019, the Complainant was acquired by Coty Inc. an American multinational beauty company.

The Complainant's first product was "Kylie Lip Kits", a liquid lipstick and lip liner, which was launched on November 30, 2015. According to a report in Forbes (included as an Annex to the Complaint), the first run of 15,000 units sold out in the first minute. An expanded range of six further shades was released with a 500,000 unit run a few months later. By the end of the following year, the product range had expanded to include 50 products.

In 2018, Forbes reported the Complainant was valued at USD 800 million. By March 2019, the value had risen to USD 900 million. Ms. Jenner herself was named as the youngest self-made billionaire under 30.

The Complainant has social media accounts with Facebook, Instagram, X (formerly Twitter), TikTok, and YouTube under the name "Kylie Cosmetics". The Instagram account has 25 million followers; the Facebook account has 4.1 million followers; the Tik Tok account, 3.5 million followers; the X account, 1.2 million followers; and the YouTube account, 821,000 subscribers. Each is prominently headed "Kylie Cosmetics".

For completeness, the Panel notes the Complainant also has social media accounts "Kylie Skin" which, according to the Complaint, have a combined total of six million followers or subscribers. The Complainant's "Kylie Skin" skincare range of products was introduced in May 2019.

The Complainant also promotes its products from websites at "www.kyliecosmetics.com" and "www.kyliejennercosmetics.co.uk". The Complainant registered the domain name <kyliecosmetics.com> on September 3, 2015 and the domain name <kyliejennercosmetics.co.uk> on August 17, 2022. Both websites are prominently headed "Kylie Cosmetics".

The Complaint includes evidence that the Complainant has numerous registered trademarks around the world for KYLIE, KYLIE COSMETICS, or KYLIE COSMETICS BY KYLIE JENNER. For present purposes, it is sufficient to note:

- (1) United States Registered Trademark No. 5,246,500, KYLIE, which was registered in the Principal Register on July 18, 2017 in respect of cosmetics in International Class 3;
- (2) United States Registered Trademark No 5,561,416, KYLIE COSMETICS, which was registered in the Principal Register on September 11, 2018 in respect of cosmetics in International Class 3 (on the basis of an application filed on September 14, 2015);
- (3) European Union Registered Trademark (EUTM) No 017002916, KYLIE COSMETICS BY KYLIE JENNER, which was registered on November 17, 2017 in respect of cosmetics and retail store services featuring cosmetics and beauty products in, respectively, International Classes 3 and 35;

(4) United Kingdom Registered Trademark No UK00917002916, KYLIE COSMETICS BY KYLIE JENNER, which was registered on November 17, 2017 with effect from July 19, 2017 in respect of cosmetics and retail store services featuring cosmetics and beauty products in, respectively, International Classes 3 and 35.

There is no evidence that the Complainant has registered trademarks for KYLIE COSMETICS alone in the United Kingdom or the European Union.

While the International Registration for KYLIE COSMETICS BY KYLIE JENNER in relation to retail services in International Class 35 (No. 1397203) does record a disclaimer over the exclusive use of “cosmetics”, the EUTM and United Kingdom registrations above do not record a disclaimer.

The disputed domain name was registered on July 7, 2024.

On July 11, 2024, the Complainant through a web agency approached the Respondent seeking a transfer of the disputed domain name, noting that transferring and making payment “is easy if you use Sedo or escrow.com”. In response, the Respondent inquired what price the web agency was offering. The web agency offered USD 50. The Respondent replied rejected this stating “domains like these go for thousands of dollars”.

The web agency, although it did not disclose this to the Respondent, was a business associated with the Complainant’s legal representative in this proceeding.

In October 2024, the Complainant through its legal representative in this proceeding sent a cease and desist letter to the Respondent. A chain of communications between the Respondent and the Complainant’s legal representatives then ensued.

Before the Complainant challenged the Respondent’s registration and use of the disputed domain name in October 2024, the disputed domain name resolved to a parking page provided by the Registrar which included pay-per-click (PPC) advertising links to, amongst other things, cosmetics provided by the Complainant’s competitors. Following the Complainant’s challenge, the parking page was deactivated and the disputed domain name has remained inactive since then.

The Registrar has provided a statement that no commissions were provided to the Respondent as a result of the PPC links.

5. Discussion and Findings

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of a disputed domain name, the Complainant must demonstrate each of the following:

- (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.

Paragraph 15(a) of the Rules directs the Panel to decide the 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.

Noting the matters referred to in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.6, the Panel considers it appropriate to admit both unsolicited supplemental filings.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's trademark rights.

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 proven ownership of registered trademarks for KYLIE, KYLIE COSMETICS, and KYLIE COSMETICS BY KYLIE JENNER.

The Panel also notes that the Complainant has extensive use of KYLIE COSMETICS as the brand name and title on the Complainant's website, social media accounts, as the account name of the social media accounts and in the ".com" domain.

In undertaking the comparison between the Complainant's trademarks and the disputed domain name, it is permissible in the present circumstances to disregard the generic Top Level Domain (gTLD) component as a functional aspect of the domain name system. [WIPO Overview 3.0](#), section 1.11.

Disregarding the ".net" gTLD, the disputed domain name:

- (1) is identical to the Complainant's registered trademarks for KYLIE COSMETICS;
- (2) consists of the Complainant's registered trademark, KYLIE, and the term "cosmetics". As this requirement under the Policy is essentially a standing requirement, the addition of this term does not preclude a finding of confusing similarity. See e.g., [WIPO Overview 3.0](#), section 1.8. Apart from anything else, the Complainant's trademark remains visually and aurally recognisable within the disputed domain name; and
- (3) consists of the first two words of the Complainant's registered trademarks for KYLIE COSMETICS BY KYLIE JENNER.

The Respondent contends that this requirement under the Policy is not satisfied because the Complainant does not have a registration for KYLIE or KYLIE COSMETICS in the United Kingdom. Further, the Respondent contends that the words "Kylie" and "cosmetics" are a common name and a generic industry term. It also contends that the omission of the words "by Kylie Jenner" from the trademarks registered in the United Kingdom means the disputed domain name is not confusingly similar to the Complainant's trademark rights.

The Respondent's arguments, however, misunderstand the nature of the inquiry at this stage. The comparison of the disputed domain name to the Complainant's trademark simply requires a visual and aural comparison of the disputed domain name to the proven trademarks. This test is narrower than and thus different to the question of "likelihood of confusion" under trademark law. Therefore, questions such as the scope of the trademark rights, the geographical location of the respective parties, the date they were acquired and other considerations that may be relevant to an assessment of infringement under trademark law are not relevant at this stage. Such matters, if relevant, may fall for consideration under the other elements of the Policy. See e.g., [WIPO Overview 3.0](#), section 1.7.

The Panel notes that the Respondent's arguments based on geographical limitations of registered trademark rights are particularly misplaced in the context of usage on the Internet as, for example, a website is ordinarily accessible from anywhere in the world with Internet access.

The Respondent also points out that at least some of the registered trademarks for KYLIE COSMETICS include a disclaimer over the exclusive use of the word "cosmetics". The disclaimer, however, relates to use of the word "cosmetics" alone or with terms other than "Kylie". It does not exclude rights over the composite term.

Accordingly, the Panel finds that the Complainant has established that the disputed domain name is:

- (1) identical to the Complainant's registrations for KYLIE COSMETICS; and
- (2) confusingly similar to the Complainant's registrations for KYLIE and KYLIE COSMETICS BY KYLIE JENNER.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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 Respondent registered the disputed domain name after the Complainant began using its trademarks and also after the Complainant had registered its trademarks.

The Complainant states that it has not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with it.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could

be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

Generally, the use of the disputed domain name to generate revenue through PPC links, particularly where the PPC links compete with the Complainant's trademark, does not qualify as a legitimate noncommercial or fair use for the purposes of paragraph 4(c)(iii) of the Policy. [WIPO Overview 3.0](#), section 2.9.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent says it acquired the disputed domain name through an automated domain purchasing system without intent to profit from the Complainant's trademark. According to the Respondent, it is "a specialist in domains" which acquired the disputed domain name to prevent abuse, not to profit from the trademark. According to the Response, "I provide brand monitoring and protection services, this domain name was caught by myself to prevent the abuse which you accuse me of, Especially when I have had numerous offers to sell it to people who WERE going to use it for abuse & profit, all of which I denied.' This explanation aligns with legitimate domain industry practices and contradicts allegations of bad faith registration". The Respondent also says "I caught this domain to protect it from the latter, and used my own time & money by securing the domain to prevent people from being misled by a fake brand which could have been setup in an untouchable jurisdiction".

The Respondent also says, however, that the disputed domain name consists of a common first name and descriptive term and, further, does not include what the Respondent describes as the "distinguishing element" of the Complainant's trademark: BY KYLIE JENNER.

Further, the Respondent states the PPC links were implemented by the Registrar without the Respondent's knowledge. The Respondent draws attention to a statement provided by the Registrar:

"Let us remind you that the advertising is running not on your domain but on the Namecheap parking page. I.e. no content that can be considered advertising-related was hosted on your domain. Hence, you did not have the ability to choose content running on the parking page in any way."

Further still, the Respondent states (and the Registrar has confirmed) that the Respondent was not paid any commissions from the PPC links on the website to which the disputed domain name resolved.

Yet further still, the Respondent points out that it deactivated the disputed domain name promptly upon notification of the Complainant's demands and offered to transfer the disputed domain name to the Complainant for free.

Finally, the Respondent contends that the Complainant's use of the web agency (which the Respondent describes as "a shadow operation") to approach the Respondent to acquire the disputed domain name as evidencing "bad faith" on the part of the Complainant or its representatives.

The Panel acknowledges the Respondent deactivated the disputed domain name upon receipt of the cease and desist letter from the Complainant's lawyers. The Panel also accepts that the Respondent did not receive any commission payments from the PPC links. These matters, however, do not confer legitimacy on the Respondent's conduct.

The Panel does not accept that the Respondent had no control over the use of the disputed domain name to provide PPC links. First, the Panel does not accept the self-serving statement provided by the Registrar. The simple fact is the disputed domain name resolved to the webpage(s) displaying PPC links. Whether the page was hosted on the Respondent's server or the Registrar's server is irrelevant. Secondly, the Respondent as the registrant had control over whether or not the disputed domain name was parked with the

Registrar's service. See [WIPO Overview 3.0](#), section 2.9. In that connection, the Registrar's website states:¹

"Namecheap parking page is not an obligatory destination address for the newly-registered domains. The domain owner is the one who decides to use the parking service that Namecheap provides or to choose some other destination/service the domain will be pointed to."

The power of the Respondent to control the use of the disputed domain name is further confirmed by the fact that the Respondent was able to discontinue use of the service on receipt of the cease and desist letter from the Complainant's lawyers. In this connection, the Panel notes the Respondent claims to be "a specialist in domains". The Respondent is not some Internet neophyte.

The absence from the disputed domain name of the words in the Complainant's United Kingdom registered trademark BY KYLIE JENNER and the inclusion of "jenner" in the Complainant's ".co.uk" domain name do not avail the Respondent. The Panel has already noted the near instantaneous and global reach of the Internet. This is not a case where the Complainant uses its trademark in a narrow geographical space far remote from the Respondent's own narrow and different field of operations. The Complainant is using its trademarks on a global scale including in the United Kingdom and has been for many years. For example, the Complainant's website at "www.kyliejennercosmetics.co.uk" is prominently headed "Kylie Cosmetics". As are both the Complainant's websites at "www.kyliejennercosmetics.eu" and "www.kyliecosmetics.com" and, as previously noted so are the Complainant's social media accounts.

The Respondent does point out that the Complainant owns only four of the seven registered trademarks for KYLIE COSMETICS listed in the WIPO Global Brand Database. The other three are registered in what appear to be the names of three different persons in Algeria, Bulgaria, and Morocco. There is no evidence before the Panel of the extent of use, if any, of any of these trademarks. In any event, these three registrations pale into insignificance in light of the scale and extent of the Complainant's use and reputation.

The Panel does not accept Respondent's claimed brand protection purpose confers rights or legitimate interests under the Policy.

First, the claimed purpose is inconsistent with the Respondent's very first response to the inquiry from the web agency. When offered USD 50, the Respondent's reply was that "domains like these go for thousands of dollars". That is hardly consistent with an altruistic commitment to the protection of another person's trademark or consumers from deception.

Secondly and in any event, the registration of someone else's trademark as (or as part of) a domain name to prevent abuse or as some sort of unsolicited brand monitoring and protection service does not provide rights or legitimate interests under the Policy. How a trademark is to be protected and the best means of achieving that is the responsibility and discretion of the trademark owner. It is not a service that can be imposed unsolicited on the trademark owner.

The Respondent's explanation that the disputed domain name was registered "through an automated program that identifies combinations of popular keywords", noting that "kylie" is a first name and "cosmetics" an industry term, is also inconsistent with the claimed brand protection/prevention of abuse rationale.

The Panel rejects the argument based on the approach to the Respondent by the web agency. Although not articulated in this way, it appears to be an attempt to characterise this proceeding as a type of case in which a complainant with a hopeless case resorts to the Policy after a failed purchase attempt in the hope that the respondent will not defend the proceeding. An attempt to secure a transfer of a domain name by private negotiation is not contrary to the Policy. Apart from anything else, the expense, delay, uncertainty and inconvenience of preparing a complaint under the Policy (even allowing for the expedited nature of

¹ <https://www.namecheap.com/support/knowledgebase/article.aspx/459/46/what-is-a-domain-parking-page/>.

proceedings under the Policy) can mean private negotiation is a rational and appropriate course. There are obvious and not inculpatory reasons why that might be attempted without disclosing the identity of the principal.

Accordingly, the Panel finds the Respondent has not rebutted the prima facie case and, therefore, the Complainant has established the second requirement under the Policy also.

C. Registered and Used in Bad Faith

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto*, WIPO Case No. [D2017-0183](#).

Paragraph 4(b) identifies situations which may demonstrate that registration or use of a disputed domain name was not in bad faith under the Policy:

For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of [the disputed] domain name in bad faith:

- (i) circumstances indicating that [the Respondent] has registered or [the Respondent has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of [the Respondent's] documented out-of-pocket costs directly related to the [disputed] domain name; or
- (ii) [the Respondent has] registered the [disputed] domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the Respondent has] engaged in a pattern of such conduct; or
- (iii) [the Respondent has] registered the [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the [disputed] domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] website or location or of a product or service on [the Respondent's] web site or location.

The instances of bad faith set out in paragraph 4(b) of the Policy are examples only, intended to illustrate types of conduct which is caught by the Policy. See *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#).

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.

The Complainant contends its trademarks are so well known that the Respondent must have been aware of them. It points out that its trademark KYLIE COSMETICS has been found to be well-known in two prior decisions: *Kylie Jenner, Inc. v. Domain Administrator, See PrivacyGuardian.org / Jefixa, Dirk Kappel*, WIPO Case No. [D2021-2082](#) and *Kylie Jenner, Inc. v. Xiang Gao (高祥)*, WIPO Case No. [D2021-2738](#). Both were no response cases but the conclusions were reached by different panellists.

The Respondent does not explicitly deny knowledge of the Complainant's trademarks. As noted above, however, one explanation offered by the Respondent is that the disputed domain name was registered through an automated system designed to identify potentially useful keyword combinations. Apart from pointing out that "Kylie" is a first name and "cosmetics" a trade term or description, the criteria used to identify how the elements were selected is not exposed. There is also no evidence that the Respondent is engaged in a hobby, practice or business of registering such compositions as domain names. Further, as discussed below, the explanation does not sit well with either the Respondent's response to the agency representing the Complainant or the (unsolicited) brand protection rationale advanced by the Respondent.

The Response does include information that the prices listed for the purchase of "kyliecosmetics" in other domains ranged from USD 688 to USD 3.2 million. The Panel does not have evidence how these prices have been calculated. On the evidence before the Panel, the Panel accepts that the Complainant's trademark is very well-known globally given the scale and extent of its use. Accordingly, it appears very likely that these prices reflect the purported vendor's estimation of the value of the domain name arising from its resemblance to the Complainant's reputation in its trademark given the scale and extent of the Complainant's use and reputation.

Further, in light of fame or reputation associated with the Complainant's trademark, the Panel considers it is likely that the Respondent was aware of the Complainant's trademarks when registering the disputed domain name. That is consistent with the Respondent's reasons for rejecting the approach from the web agency on the basis that the value of the disputed domain name was in the thousands. It is also consistent with the Respondent's alternative claimed brand protection rationale.

Further, the Respondent cannot rely on its claimed automated system for exoneration. [WIPO Overview 3.0](#), section 3.2.3. It is not clear whether the Respondent undertook good faith efforts to screen the disputed domain name for trademark conflicts before registering it. To the extent it did, it would appear the Respondent was prepared to take a limited and idiosyncratic view that the disputed domain name would not lead to confusion as to source with the Complainant's trademarks (which is hardly consistent with the claimed brand protection rationale)..

In light of this, the Panel finds the Respondent registered the disputed domain name in bad faith. The Respondent's initial response to the invitation from the agency acting for the Complainant rejecting the offered USD 50 was that the disputed domain name was worth thousands. To the Panel's mind, that betrays an intention to take advantage of the trademark significance of the disputed domain name and, given it was such a short time after the Respondent registered the disputed domain name, leads to a strong inference that was the reason the Respondent registered the disputed domain name.

Accepting the Respondent's claimed brand protection rationale would not lead to a different conclusion. Unilaterally arrogating to itself the right to register the Complainant's trademark without the Complainant's consent does not qualify as good faith conduct generally let alone under the Policy as outlined in Section 5B above. It trespasses into the trademark owner's domain and creates an unacceptable risk for opportunistic behaviour.

At the very least, allowing the Registrar to use the disputed domain name in connection with PPC links that compete with the Complainant's trademark qualifies as use in bad faith.

In addition to the matters addressed in Section 5B above, the Respondent does say it terminated that conduct and was prepared to transfer the disputed domain name directly to the Complainant after receipt of the cease and desist letter from the Complainant's lawyers.

There is a dispute between the Parties whether the Respondent did make such an offer. Accepting for the purposes of this proceeding that the Respondent did offer to transfer the disputed domain name directly to the Complainant for free, first, the offer was only made after the intervention of lawyers and the prospect of legal action loomed. That in itself is a basis for a finding of use in bad faith. All the more so in a context

where the Respondent rejected the Complainant's initial approach claiming the disputed domain name is worth "thousands".

Secondly, the Respondent has not transferred, or agreed to transfer, the disputed domain name to the Complainant even after the proceeding under the Policy was commenced.

The Respondent contends its refusal before the proceeding commenced was justified as it wished to ensure the disputed domain name was transferred to the Complainant, not some person claiming (or pretending) to act on behalf of the Complainant. To that end, the Respondent did email an employee of the Complainant directly.

The Respondent says its reluctance to provide the authorisation codes to begin transfer of the disputed domain name stemmed from approach(es) by unauthorised people seeking to secure the disputed domain name. At least in the email correspondence with the Complainant and its lawyers that allegation appears to have been based on the approach by the agency (on the Complainant's behalf).

In any event, the Respondent still refused to transfer the disputed domain name even after the Complainant's lawyers provided the Respondent with a copy of the Power of Attorney from the Complainant authorising them to act on the Complainant's behalf.

Furthermore, the Respondent maintained its refusal to transfer the disputed domain name after the Complaint was filed, even though the Complaint was filed in the Complainant's name and seeks transfer of the disputed domain name to the Complainant. Instead, the Respondent in this proceeding maintains its rights to the disputed domain name and contends the Complainant's rights do not extend to the United Kingdom.

The Respondent's persistent refusal to transfer the disputed domain name to the Complainant in the face of the Complainant's demonstrated rights clearly constitutes use in bad faith under the Policy.

Accordingly, the Complainant has established all three requirements under the Policy.

D. Reverse Domain Name Hijacking

In the circumstances, there is no occasion to make a finding of Reverse Domain Name Hijacking as requested by the Respondent.

6. 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 <kyliecosmetics.net> be transferred to the Complainant.

/Warwick A. Rothnie/

Warwick A. Rothnie

Sole Panelist

Date: January 2, 2025