

## **ADMINISTRATIVE PANEL DECISION**

L'Oréal v. redbull

Case No. D2025-0097

### **1. The Parties**

The Complainant is L'Oréal, France, represented by Dreyfus & associés, France.

The Respondent is redbull, United Arab Emirates.

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

The disputed domain name <kiehls777.com> is registered with Dominet (HK) Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 10, 2025. On January 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 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 January 22, 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 January 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 14, 2025.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on February 20, 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 L'Oréal is a notorious French industrial group specialized in the field of cosmetics and beauty, established in 1909.

The Complainant is today one of the world's largest groups in the cosmetics business, with a portfolio of 36 brands, including KIEHL'S.

The Complainant owns numerous registrations for the trademark KIEHL'S all over the world, registered as early as in 2001 (such as the European Union Trademark number 001505767, filed on February 14, 2000 and registered on March 23, 2001).

The Complainant also operates and promotes its products under several websites, including at the domain name <kiehls.com>, registered in 1998.

The disputed domain name was registered by the Respondent on June 6, 2024.

The Panel accessed the disputed domain name on February 28, 2025, at which time the disputed domain name was linked to a website promoting online gaming and casino products / services and requiring Internet users to provide personal data.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant makes the following contentions:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark

The Complainant asserts that the disputed domain name <kiehls777.com> is virtually identical or at least confusingly similar to its well-known and widely recognized trademark, KIEHL'S. The Complainant owns multiple trademark registrations for KIEHL'S worldwide, including in jurisdictions such as the European Union, the United Arab Emirates, and Japan. Additionally, it operates the domain name <kiehls.com>, registered since 1998, to promote its products and services. The disputed domain name fully incorporates the KIEHL'S trademark, differing only by the addition of the numerical term "777" and the omission of the apostrophe. The Complainant argues that this alteration does not prevent confusion but rather increases the likelihood that consumers will believe the disputed domain name is associated with the official Kiehl's brand. Prior UDRP decisions have consistently held that the incorporation of a well-known trademark in its entirety within a domain name, with minor modifications, does not eliminate the risk of confusion. The absence of an apostrophe, due to technical constraints in domain name registrations, is also immaterial in assessing similarity. Given the global reputation of the KIEHL'S brand and the structural similarities between the disputed domain name and the Complainant's registered trademarks, the Complainant submits that the first requirement under Paragraph 4(a)(i) of the UDRP Policy is satisfied.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is neither affiliated with nor authorized by the Complainant to use the KIEHL'S trademark or any similar designation. Furthermore, there is no evidence that the Respondent is commonly known by the name "Kiehl's" or has any legitimate claim to the disputed domain name. According to the Complainant, the Respondent is not using the disputed domain name for a bona fide offering of goods or services. Instead, the disputed domain name resolves to a website related to online gaming, requiring users to submit personal contact details for access. Such use does not demonstrate any legitimate, non-commercial, or fair use of the disputed domain name. Rather, it suggests an attempt to mislead users by

capitalizing on the reputation of the KIEHL'S brand. The Complainant further argues that the Respondent's registration and use of the disputed domain name carry a high risk of implied affiliation with the Complainant, thereby misleading consumers. The addition of "777" does not confer any legitimate rights to the Respondent; on the contrary, it heightens the likelihood that users will assume an official connection with the Complainant's business. For these reasons, the Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name, fulfilling the second element under Paragraph 4(a)(ii) of the UDRP Policy.

(iii) The disputed domain name was registered and is being used in bad faith

The Complainant alleges that the Respondent registered and is using the disputed domain name in bad faith, as required under Paragraph 4(a)(iii) of the UDRP Policy. Regarding bad faith registration, the Complainant submits that the Respondent was undoubtedly aware of the KIEHL'S trademark at the time of registration. Given the global prominence of the brand, it is implausible that the Respondent was unaware of its rights. Additionally, the choice to incorporate the exact term "Kiehl's" into the disputed domain name strongly suggests an intent to target the Complainant's well-established brand and divert Internet traffic for commercial gain. Furthermore, the Complainant argues that the disputed domain name constitutes a case of typosquatting, as it omits the apostrophe from "Kiehl's" while otherwise maintaining the exact spelling. Prior UDRP panels have held that such typographical variations constitute evidence of bad faith registration, particularly when targeting well-known trademarks. Regarding bad faith use, the Complainant contends that the Respondent is intentionally using the disputed domain name to mislead Internet users. The disputed domain name resolves to a website that promotes online gaming while collecting personal user information, which leverage the Complainant's trademark to attract users to the Respondent's website. The Respondent's actions demonstrate an attempt to exploit consumer trust in the KIEHL'S trademark for illegitimate purposes. Moreover, the Complainant highlights its unsuccessful efforts to resolve this matter amicably. Despite multiple requests to the Registrar and hosting provider to deactivate the disputed domain name, no substantive responses were received. The continued use of the disputed domain name, despite these notifications, further reinforces the claim of bad faith. Based on these factors, the Complainant asserts that the Respondent both registered and is using the disputed domain name in bad faith, satisfying the third element under Paragraph 4(a)(iii) of the UDRP Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, a complainant shall prove the following three elements:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

### **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.

Annex 4 to the Complaint shows trademark registrations for KIEHL'S. Based on the available record, the Panel finds 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 disputed domain name incorporates the Complainant's trademark KIEHL'S, suppressing the apostrophe and with the addition of the numeral "777" as a suffix. The disputed domain name also presents the generic Top-Level Domain ("gTLD") ".com". Therefore, the Panel finds the mark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms or numerals (here, "777") may bear on assessment of the second and third elements, the Panel finds the addition of such figure 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.

It is also well established that the addition of a gTLD, such as ".com", is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds the disputed domain name is confusingly similar to the Complainant's trademark and that 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 Respondents 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.

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 have 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.

The Panel finds no indication that the Respondent is commonly known by the disputed domain name.

The Complainant has asserted that the Respondent is not an authorized representative, nor have obtained any permission for registering the disputed domain name. The Panel finds that the nature of the disputed domain name, comprising essentially the Complainant's famous trademark (without the apostrophe) and additional numbers indicate an awareness of the Complainant and its trademark and an intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests. This conclusion is emphasized by the circumstance that the disputed domain name is linked to a webpage collecting user's personal data and promoting online gaming and casino products / services.

Based on the available record, 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 3.0](#), section 3.2.1.

The disputed domain name includes the trademark KIEHL'S, besides the apostrophe (which is unusual on domain names and is also not present on the Complainant's official website for the KIEHL'S brand, at <kiehls.com>). According to the [WIPO Overview 3.0](#), section 3.1.4, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Actually, when the disputed domain name was registered in 2024, the KIEHL'S trademark was already notorious and directly connected with the Complainant's cosmetics.

The Panel concludes that it is unlikely that the Respondent was not aware of the Complainant's trademark and that the registration of the disputed domain name and that the adoption of the expression "kiehls777.com" was a mere coincidence.

The Panel holds that the Respondent is intentionally attempting to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the disputed domain name. And this is being done in order to collect personal data and to promote online gaming and casino products / services, what may not only generate profits to the Respondent, but also harm the Complainant's brand reputation.

Finally, the passive posture of the Respondent, not at least providing justifications for the use of the Complainant's trademark, certainly cannot be used in benefit of the Respondent in the present case.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith, and the Complainant has also satisfied 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 <kiehls777.com> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: March 6, 2025