

ADMINISTRATIVE PANEL DECISION

Laboratoire Argiletz, Mrs. Nadia Kotchenko Heitz v. QINGRU WU
Case No. D2025-0338

1. The Parties

The Complainants are Laboratoire Argiletz and Mrs. Nadia Kotchenko Heitz, France, represented by Novagraaf France, France.

The Respondent is QINGRU WU, China.

2. The Domain Name and Registrar

The disputed domain name <argiletz.net> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2025. On January 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed amended Complaints on February 3 and February 5, 2025.

The Center verified that the Complaint together with the amended Complaints 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 February 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 28, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on March 4, 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 Mrs. Nadia Kotchenko Heitz is the director of the Complainant Laboratoire Argiletz, a French company founded in 1987 and specialized in all forms of clay applied to cosmetics that operates under the brand ARGILETZ. The Complainant Laboratoire Argiletz offers various treatments and mineral cosmetics, which are commercialized online through its corporate website and various online third parties' platforms. Both Complainants are hereinafter individually and collectively referred to as the "Complainant".

The Complainant owns various trademark registrations for its brand, including International Trademark Registration No. 865411, ARGILETZ, word, registered on July 27, 2005, in Classes 3, 5, and 19, (hereinafter referred as the "ARGILETZ mark").

The Complainant further owns the domain name <argiletz.com> (registered on July 24, 1998) that resolves to its corporate website.

The disputed domain name was registered on July 18, 2024, and it resolves to a GoDaddy landing page that indicates the disputed domain name is offered for sale at a price of USD 1,450 or monthly payments of USD 99,69.

On November 13, 2024, the Complainant's representatives sent a cease-and-desist communication to the Respondent through the Registrar, and they sent a subsequent reminder on November 19, 2024. In these communications, the Complainant requested the transfer of the disputed domain name, but they were not responded or attended by the Respondent.

The same Respondent's name has been involved in at least six prior UDRP cases that were decided, ordering the transfer of the disputed domain names to the respective complainants.¹

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 contends its brand is reputed within its sector in France and internationally, and the disputed domain name is identical to its trademark, so it causes a high risk of confusion and/or association.

¹These cases are the following:

- *Teva Pharmaceutical Industries Ltd, Teva Respiratory, LLC, and IVAX International B.V. v. QINGRU WU*, WIPO Case No.

[D2024-3551](#);

- *FERRING B.V. v. MEI WANG, 于青青 (yu qing qing)*, *QINGRU WU*, WIPO Case No. [D2024-3975](#);

- *Carrefour SA v. QINGRU WU*, WIPO Case No. [DCO2023-0082](#);

- *Sopra Steria Group v. QINGRU WU*, WIPO Case No. [DCO2023-0100](#);

- *Ferring B.V. v. QINGRU WU*, WIPO Case No. [DCO2023-0085](#); and

- *Amundi Asset Management v. QINGRU WU*, WIPO Case No. [DCO2023-0063](#).

The Complainant further contends the Respondent has no rights or legitimate interests in the disputed domain name. The ARGILETZ mark is distinctive and unique to the Complainant; the Respondent has no trademark rights over the term “argiletz”, nor has he been authorized to use the Complainant’s trademark.

The Complainant finally contends the disputed domain name was registered and is being used in bad faith. Due to the reputation of the ARGILETZ mark, the Respondent must have been aware of this trademark and registered the disputed domain name targeting it. The use of a privacy service to hide the Respondent’s identity is further evidence of bad faith. All circumstances indicate the Respondent registered the disputed domain name primarily to transfer it to the Complainant or to one of its competitors for valuable consideration in excess of his documented purchase costs. The disputed domain name is offered for sale at a price (USD 1,450) higher than the usual cost of a domain name, but lower than the costs of a UDRP case. The Respondent has been involved in at least six prior UDRP cases related to domain names containing third parties’ trademarks, which were transferred to the respective complainants.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed materials and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

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, namely the ARGILETZ mark. [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.

Therefore, 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.

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 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 name such as those enumerated in the Policy or otherwise.

Nothing in the record indicates the Respondent may have any rights or legitimate interests in the disputed domain name.

The Panel notes the term "argiletz" does not share any similarity with the Respondent's name revealed by the Registrar verification.

The Panel further notes that the term "argiletz" is a coined term that derives from the French term "argile" ("clay"), and nothing in the file indicates the Respondent is related to clay, or products or services made with clay.

The Panel has further corroborated through a search over the Global Brands Database that, according to the Complainant's allegations, the Respondent does not own any registered trademark consisting of or including the term "argiletz" or any other mark.²

Furthermore, the disputed domain name resolves to a GoDaddy landing page that promotes its possible acquisition for a price exceeding normal registration costs (USD 1,450), and the Respondent has not filed any Response to the Complaint. Therefore, nothing in the record indicates that before notice to the Respondent of the dispute, he had used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

Accordingly, 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.

In the present case, the Panel notes that the ARGILETZ mark is internationally notorious within its sector of natural cosmetics, it has a strong presence over the Internet, and the Complainant's products are internationally commercialized over numerous platforms including, e.g., Amazon. The Complainant has provided copies of various online publications and magazines where the mark and the Complainant's products are mentioned and analyzed; in some of them, the Complainant's products are compared with other notorious third parties' brands in the field of natural cosmetic products. The Panel, under its general powers, has further conducted various searches over the Internet for the ARGILETZ mark.

The Panel finds all circumstances of this case indicate the Respondent had in mind the Complainant and its trademark at the time of registration of the disputed domain name. These circumstances include in particular: (i) the notoriety and extensive Internet presence of the Complainant's trademark; (ii) the composition of the disputed domain name that identically incorporates the ARGILETZ mark; and (iii) the fact that the term "argiletz" is a coined term derived from the French term "argile", and nothing in the file indicates

²Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

the Respondent is related to “clay” or to France (according to the Registrar verification the Respondent is located in China).

The Panel further finds the use of the disputed domain name to resolve to a GoDaddy landing page offering its sale for USD 1,450, together with all other circumstances of this case, leads to consider the Respondent likely knew of the Complainant and its trademark and deliberately registered the disputed domain name in bad faith. The Panel finds all circumstances of this case indicate the Respondent primarily registered the disputed domain name with the intention of transferring it to the Complainant or to one of its competitors for valuable consideration in excess of his documented purchase costs. [WIPO Overview 3.0](#), section 3.1.1

Under these circumstances, the Panel finds the use of a proxy shield by the Respondent to hide its identity, as well as the failure of the Respondent to respond to the Complaint and to the factual allegations made by the Complainant, may properly be considered relevant as further factors affirming a finding of bad faith. [WIPO Overview 3.0](#), section 3.6.

Additionally, the Panel finds the fact the Respondent’s name has been involved in prior UDRP cases that were decided against the Respondent ordering the transfer of the concerned disputed domain names to the respective complainants, constitutes a pattern of bad faith conduct. This conduct indicates an intention on the part of the Respondent of preventing various trademark holders from reflecting their marks in a domain name (which clearly indicates bad faith in the Respondent). [WIPO Overview 3.0](#), section 3.1.2.

Accordingly, 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 <argiletz.net> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: March 14, 2025