

## **ADMINISTRATIVE PANEL DECISION**

The Procter & Gamble Company, Braun GmbH v. Montague Grondin, fr fr  
Case No. D2025-0360

### **1. The Parties**

The Complainants are The Procter & Gamble Company, United States of America (the “First Complainant”), and Braun GmbH, Germany (the “Second Complainant”), represented by Studio Barbero S.p.A., Italy.

The Respondent is Montague Grondin, fr fr, France.

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

The disputed domain name <epilatorbraun.com> is registered with Hongkong Kouming International Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainants on February 12, 2025, providing the registrant name and contact information disclosed by the Registrar, for their information.

On February 12, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On February 12, 2025, the Complainants confirmed their request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainants’ submission.

The Center verified that 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 in Chinese and English of the Complaint, and the proceedings commenced on February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on March 17, 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 two Complainants filed the Complaint. The First Complainant is The Procter & Gamble Company, and the Second Complainant is Braun GmbH (collectively, the “Complainants”). The Complainants are related companies and sell shaving and other consumer products worldwide under the BRAUN trademark. The First Complainant is the parent company of the Second Complainant.

The First Complainant, founded in 1837, is one of the largest companies in the world and manufactures a wide range of consumer goods in diverse areas such as health care, hair care, cosmetics, laundry and fabrics care. The First Complainant owns the domain name <braun.com>, registered on June 24, 1997, on which the Complainants advertise and sell their shaving products and other products.

The Second Complainant, founded in 1921, has been selling shaving products under the BRAUN trademark since the 1950s. The Second Complainant claims that it is world famous as a design brand and has received over 100 internationally recognized design prizes for its products and holds more than 8,000 active patents. The Second Complainant owns numerous trademark registrations for BRAUN trademark, including:

- International trademark BRAUN Registration No. 652027, registered on November 14, 1995, in Classes 11, 14, 16, 21, 26, 35, 37;
- International trademark **BRAUN** Registration No. 400415, registered on May 23, 1973, in Classes 7, 8, 9, 10, 11, 14, 15, 21, 34;
- European Union trademark BRAUN Registration No. 000394122, registered on August 17, 1999, in Classes 1, 3, 7, 8, 9, 10, 11, 14, 16, 21, 26, 35, 37.

The disputed domain name <epilatorbraun.com> was registered on November 20, 2024. Presently, the disputed domain name resolves to an error webpage. According to the Complainants’ evidence, the disputed domain name previously resolved to a website displaying the Complainants’ **BRAUN** trademark and purportedly offering the Complainants’ products with discounted prices and products of the Complainants’ competitors.

#### 5. Parties’ Contentions

##### A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that:

- i) the disputed domain name reproduces the Complainants’ BRAUN trademark and is confusingly similar to the BRAUN trademark;
- ii) the Respondent has no affiliation with the Complainants and the Complainants have not authorized the Respondent to use the BRAUN trademark for any reason or in any manner;
- iii) the Respondent has not been commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name;

iv) the Respondent had the Complainants and the BRAUN trademark in mind at the time of registering the disputed domain name;

v) the disputed domain name was used in connection with a commercial website purportedly offering BRAUN products at discounted prices, along with products of the Complainants' competitors. Such use of the disputed domain name demonstrates that the Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainants' BRAUN trademark 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 website; and

vi) the Respondent's current passive holding of the disputed domain name shall not prevent a finding of bad faith use.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1 Procedural Issues – Consolidation of Complainants**

The two Complainants have filed one single Complaint together against the Respondent.

The Complainants have convinced the Panel that the First Complainant and the Second Complainant are related companies that share a common grievance and legal interests in the BRAUN trademark, and their commercial rights are both targeted by the Respondent's conduct of registering and using the disputed domain name.

Accordingly, the Panel determines that it would be equitable and procedurally efficient to permit the Complainants' request for consolidation in this administrative proceeding. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

### **6.2 Procedural Issues - Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainants requested that the language of the proceeding be English for several reasons, including the fact that 1) using Chinese as language of the proceeding would unfairly disadvantage and burden the Complainants and delay the proceedings and adjudication of this matter; 2) the disputed domain name contains the English word "epilator" and the website associated with the disputed domain name contained text in English, which indicates that the Respondent is able to understand English; 3) the Respondent is located in France and Chinese is not the Respondent's mother language.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 6.3 Substantive Issues

#### 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 Complainants' trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available records, the Complainants have shown rights in respect of the BRAUN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The generic Top-Level Domain ("gTLD") ".com" as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy.

The entirety of the BRAUN trademark is reproduced within the disputed domain name. While the term "epilator" is included, the BRAUN trademark remains clearly recognizable in the disputed domain name. The Panel finds that the extra term does not prevent a finding of confusing similarity between the disputed domain name and the BRAUN trademark. Accordingly, the disputed domain name is confusingly similar to the BRAUN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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.

The information in the case file shows that:

- the disputed domain name resolved to a website displaying the Complainant's **BRAUN** trademark and purportedly offering the Complainants' products without any explanation of the relationship (or lack thereof) between the Parties. Additionally, the website purportedly offered products of the Complainants' competitors as well. Such use of the disputed domain name indicates the Respondent's intention to divert Internet traffic to its own website by confusing the relationship between its own website and the Complainants' website, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use; and
- there is no evidence proving that the Respondent has been commonly known by the disputed domain name; and

- the nature of the disputed domain name, incorporating the Complainants' BRAUN trademark in its entirety with the term "epilator" (closely relating to the Complainants' shaving products), carries a risk of implied affiliation with the Complainants; and
- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain name.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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 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 Complainants obtained the trademark registration for BRAUN at least as early as in 1973, which significantly predates the registration date of the disputed domain name (November 20, 2024). The BRAUN trademark has gained a certain degree of reputation and distinctiveness through the Complainants' continuous use and advertising worldwide. The Respondent registered the disputed domain name that fully incorporates the Complainants' BRAUN trademark and the extra term "epilator" which closely relates to the Complainants' shaving products. Further, the disputed domain name directed to a website displaying the Complainant **BRAUN** trademark and purportedly offering for sale the Complainants' products, along with products of the Complainants' competitors. The Panel determines that the Respondent had actual knowledge of the Complainants and the BRAUN trademark at the time of registering the disputed domain name, and bad faith is found.

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 resolves to an error webpage at the moment of this decision but was once used to host a website that displayed the Complainant **BRAUN** trademark and purportedly offered for sale the Complainants' products, along with products of the Complainants' competitors. The Panel holds that by selecting a domain name confusingly similar to the Complainants' BRAUN trademark, and using it in the manner as described, the Respondent obviously intended to attract, for commercial gain, Internet users to the disputed domain name and the associated website by creating a likelihood of confusion with the Complainants' BRAUN trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The current non-use of the disputed domain name does not change the Panel's finding of the Respondent's bad faith.

The Panel finds that the Complainants have 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 <epilatorbraun.com> be transferred to the Second Complainant, Braun GmbH.

*/Linda Chang/*

**Linda Chang**

Sole Panelist

Date: March 31, 2025