

## ADMINISTRATIVE PANEL DECISION

The Procter & Gamble Company, Braun GmbH v. chen yupei  
Case No. D2025-1021

### 1. The Parties

The Complainants are The Procter & Gamble Company, United States of America (“United States”) (the “Complainant 1”) and Braun GmbH, Germany (the “Complainant 2”), represented by Studio Barbero S.p.A., Italy.

The Respondent is chen yupei, China.

### 2. The Domain Name and Registrar

The disputed domain name <braunshop.shop> (the “Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2025. On March 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 14, 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 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 of the Complaint, and the proceedings commenced on March 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 9, 2025.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on April 15, 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 1 is a manufacturer of a wide range of consumer goods across diverse sectors, including health care, hair care, cosmetics, laundry and fabric care. With a presence in approximately 80 countries, the Complainant 1 owns more than 60 brands.

The Complainant 2 is a wholly owned subsidiary of Complainant 1. It specializes in four core business segments: male dry shaving with Braun Series electric shavers and cruZer trimmers; female electric hair removal; hair care appliances; and beauty devices featuring IPL technology.

The Complainant 2 is the owner of numerous BRAUN trademark registrations, including:

- the International Trademark Registration for BRAUN (figurative) No. 652027, registered on November 14, 1995;
- the International Trademark Registration for BRAUN (figurative) No. 650428, registered on November 14, 1995; and
- the International Trademark Registration for BRAUN (figurative) No. 400415, registered on May 23, 1973.

The Domain Name was registered on December 9, 2024.

Previously, the Domain Name resolved to a website in the Italian language, prominently featuring the BRAUN trademark and offering purported BRAUN products for sale at discounted prices (the "Website 1"). Subsequently, the Domain Name redirected users to a website selling products from third parties, namely handbags (the "Website 2").

As of the date of this Decision, as well as at the time the Complaint was filed, the Domain Name does not resolve to any active website.

On January 13, 2025, and January 22, 2025, the Complainants sent cease-and-desist letters to the Respondent, demanding the immediate cessation of any use of the Domain Name and its transfer to the Complainants. However, the Respondent failed to respond to these communications.

#### **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 Domain Name.

First, the Complainants contend that the Domain Name is confusingly similar to the trademark in which the Complainants have rights.

Second, the Complainants argue that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainants submit that the Domain Name was registered and is being used in bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## 6. Discussion and Findings

### 6.1. Preliminary Matter – Consolidation of Multiple Complainants

Neither the Policy nor the Rules expressly provide for the consolidation of multiple complainants and generally read in singular term of a “complainant” when referring to proceedings under the Policy. See *MLB Advanced Media, The Phillies, Padres LP v. OreNet, Inc.*, WIPO Case No. [D2009-0985](#).

Nonetheless, previous UDRP panels have concluded that consolidation of multiple complainants in a single complaint is permissible. In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. See section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Moreover, it is well accepted that a trademark owner’s affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint. See section 1.4.1, [WIPO Overview 3.0](#).

In the present case, the Complainants are affiliated companies. Thus, the Panel finds that it is both equitable and procedurally efficient to allow the Complainants to proceed with the single consolidated Complaint.

### 6.2. Substantive Matters – Three Elements

Paragraph 4(a) of the Policy places a burden on the Complainants to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”. See section 4.2 of the [WIPO Overview 3.0](#).

#### A. Identical or Confusingly Similar

Under the first element, the Complainants must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainants have rights.

The Complainant 2 holds valid BRAUN trademark registrations. The Domain Name incorporates this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark (see *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. [D2003-0696](#)).

The addition of the term “shop” in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the BRAUN trademark. Panels have consistently held that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

The generic Top-Level Domain “.shop” in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel considers that the Domain Name is confusingly similar to the BRAUN trademark in which the Complainants have rights for purposes of the Policy. Thus, the Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Under the second element, the Complainants must prove that the Respondent has no rights or legitimate interests in the Domain Name.

The Respondent may establish a right or legitimate interest in the Domain Name by demonstrating in accordance with paragraph 4(c) of the Policy any of the following:

- (i) that it has used or made preparations to use the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that it is commonly known by the Domain Name, even if it has not acquired any trademark rights; or
- (iii) that it is making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Based on the records, the Panel finds that the Complainants have established a prima facie case that the Respondent does not have any rights or legitimated interests in the Domain Names, and the burden of production of evidence shifts to the Respondent. See section 2.1 of the [WIPO Overview 3.0](#). Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the BRAUN trademark registrations predate the Respondent’s registration of the Domain Name. There is no evidence in the case record that the Complainants have licensed or otherwise permitted the Respondent to use the BRAUN trademark or to register the Domain Name incorporating this trademark. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Name.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Name. On the contrary, the Domain Name resolved previously to the Website 1 featuring the BRAUN trademark and purportedly offering for sale the Complainants’ products. Subsequently, the Domain Name resolved to the Website 2 offering for sale third parties’ products. Such use of the Domain Name does not confer rights or legitimate interests on the Respondent.

The Respondent could make a bona fide offering of goods and services as a reseller or distributor of the Complainants’ products and thus have a legitimate interest in the Domain Name, if this use meets certain requirements as set out in *Oki Data Americas, Inc. v ASD, Inc.*, WIPO Case No. [D2001-0903](#). While it does not result from the case record that the Respondent is authorized to resell or distribute the Complainants’ products, taking into consideration the nature of the Domain Name as compared to the trademark, the Panel will for completeness analyze the “fair use” factors enumerated under the above-referenced “Oki Data test”. These requirements are that: (1) the Respondent must actually be offering the goods or services at issue; (2) the Respondent must use the site to sell only the trademarked goods or services, otherwise, it could be using the trademark to bait Internet users and then switch them to other goods or services; (3) the site must accurately disclose the Respondent’s relationship with the trademark owner; and (4) the Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In the present case, the above referred requirements are not met. The nature of the Domain Name suggests an affiliation with the Complainants and the BRAUN trademark, contrary to the fact. The Panel believes that the use of the BRAUN trademark on the Website 1, together with the composition of the Domain Name, may mislead Internet users into believing that the disputed domain name is somehow associated with the Complainants. At the same time, the relationship between the Respondent and the Complainants (or a lack thereof) is not accurately and prominently disclosed on the Websites 1 and 2. This further perpetuates the false impression of a relationship between the Respondent and the Complainants. Moreover, the Complainants allege that the products offered on the Website 1 were highly likely to be counterfeit, and unauthorized by the Complainants. Furthermore, the Respondent used the Website 2 to bait Internet users and then switch them to the goods of third parties.

The Domain Name is no longer active.

Given the above, there are no circumstances in evidence which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Name. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

Under the third element, the Complainants must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's trademark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the registration of the BRAUN trademark predates the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of this trademark at the time of registration. This finding is supported by the content of the Website 1 which displayed the BRAUN trademark and allegedly offered for sale the Complainants' products. Moreover, it has been proven to the Panel's satisfaction that the BRAUN trademark is well known and unique to the Complainants. Thus, the Respondent could not likely reasonably ignore the reputation of products and services under this trademark. In sum, the Respondent in all likelihood registered the Domain Name with the expectation of taking advantage of the reputation of the BRAUN trademark.

Furthermore, as previously noted, the Domain Name has been used in bad faith by the Respondent to previously direct Internet users to the Website 1 and subsequently, the Website 2. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to this Respondent's websites by creating a likelihood of confusion with the BRAUN trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites.

As of the date of this Decision, as well as at the time of submitting the Complaint, the Domain Name has not resolved to any active website. Considering the overall circumstances of this case, the Panel finds that the Respondent's passive holding of the Domain Name does not prevent a finding of bad faith. As numerous UDRP panels have held, passive holding, under the totality of circumstances of the case, would not prevent a finding of bad faith under the Policy. See section 3.3 of the [WIPO Overview 3.0](#). Here, given the well-known nature of the BRAUN trademark and the implausible good faith use to which the Domain Name may be intrinsically put, the Panel agrees with the above.

Finally, the lack of the response to the Complainants' cease-and-desist letters sent to the Respondent further supports a finding of bad faith.

For the reasons discussed above, the Panel finds that the third element of the Policy has been established.

## **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 Domain Name <braunshop.shop> be transferred to the Complainant 2, Braun GmbH .

*/Piotr Nowaczyk/*

**Piotr Nowaczyk**

Sole Panelist

Date: April 29, 2025