

ADMINISTRATIVE PANEL DECISION

Beauty Selection Co., Ltd. v. Muhammad Faisal
Case No. D2025-1027

1. The Parties

The Complainant is Beauty Selection Co., Ltd., Republic of Korea, represented by Marq Vision Inc., United States of America ("United States").

The Respondent is Muhammad Faisal, Pakistan.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 13, 2025. On March 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 13, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 14, 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 amendment to the Complaint on March 17, 2025.

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 March 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 14, 2025.

The Center appointed Ugur G. Yalçiner as the sole panelist in this matter on April 22, 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 is a company based in the Republic of Korea and engaged in the skincare and cosmetics industry. Its trademark, BIODANCE, has reportedly received recognition through various awards and product rankings, particularly in the facial skincare sector, with strong sales performance noted in markets such as Taiwan Province of China, Singapore, Indonesia, and on Amazon.

The Complainant is the owner of the following trademark registration for the term BIODANCE:

- United States trademark registration BIODANCE with registration no. 7197695, registered on October 17, 2023, in class 3.

The Complainant also owns the domain name <biodance.co.kr>, registered in 2021, which redirects to its official website at “www.biodance.co.kr”, operated by the Complainant.

The disputed domain name was registered on August 30, 2024. At the time of filing the Complaint, it resolved to a website impersonating the Complainant’s official website at “www.biodance.co.kr” by displaying the Complainant’s trademark and purportedly offering the Complainant’s skincare products, with a visual presentation resembling the Complainant’s official website. As of the date of this Decision, the disputed domain name resolves to an active website featuring the Complainant’s BIODANCE trademark with no content.

On November 28, 2024, the Complainant filed a complaint with the website hosting provider, and also sent a cease-and-desist letter to the Respondent. On December 4, 2024, the Respondent replied to the notice from the website hosting provider and indicated that “I have removed the domain that is infringing the trademark biodancepk.com”.

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. The Complaint includes the following contentions:

(i) Identical or Confusingly Similar

The Complainant contends that the disputed domain name fully incorporates its BIODANCE trademark and that the inclusion of the term “pk” and the Top-Level Domain (“TLD”) “.com” does not prevent a finding of confusing similarity but rather increases the likelihood of confusion by misleading Internet users into believing the disputed domain name is related to the Complainant’s website operating in Pakistan.

(ii) Rights or Legitimate Interests

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, as the Respondent is not commonly known by the disputed domain name; has not acquired any trademark or service mark rights; has no relationship or affiliation with the Complainant that would authorize the use or ownership of a domain name incorporating the Complainant’s BIODANCE mark; and is not engaged in a bona fide offering of goods or services, but rather has used the disputed domain name in connection with a website that misleads consumers into believing that the Respondent is the Complainant and is now holding the disputed domain name for commercial gain.

(iii) Registration and Use in Bad Faith

The Complainant alleges that the disputed domain name was registered and is being used in bad faith, as the Respondent was or should have been aware of the Complainant's well-known BIODANCE trademark, and that the disputed domain name was registered by a single entity for dishonest purposes; the Complainant further contends that the registration of the disputed domain name constitutes clear evidence of bad faith, as it intentionally incorporates the BIODANCE trademark — widely recognized due to the Complainant's global presence and commercial success on platforms such as Amazon, Costco, Sephora, and Shopee — together with the geographic term "pk", commonly associated with Pakistan, in an apparent attempt to exploit the Complainant's reputation and mislead consumers into believing that the disputed domain name is affiliated with the Complainant's operations in that country.

The Complainant asserts that the Respondent is unlawfully using the BIODANCE trademark on the website at the disputed domain name to create a false impression of affiliation with the Complainant's official website at "www.biodance.co.kr", thereby deceiving consumers, the disputed domain name resolves to a website that prominently features the Complainant's trademark and displays identical product images while offering the same goods, all of which reinforces the false impression of authorization. This deliberate misrepresentation constitutes an attempt to exploit the Complainant's trademark and goodwill for commercial gain.

The Complainant contends that the Respondent's unauthorized use of the BIODANCE trademark constitutes deliberate impersonation and fraudulent intent, evidencing bad faith in both the registration and use of the disputed domain name, as the Respondent not only impersonates the Complainant in bad faith but also uses the disputed domain name to defraud the Complainant's customers for personal gain, which creates a deceptive setup that invites unsuspecting consumers and exposes the Complainant's customers to potential confusion and harm, and the Respondent's decision to withhold contact information from the Whois record further demonstrates bad faith, as registering the disputed domain name without providing its name indicates an intent to conceal its identity.

The Complainant states that the Respondent was notified of the infringing nature of the disputed domain name through multiple channels but failed to respond directly, and although a counter-notice was later submitted claiming no knowledge of infringement and stating that the infringing content had been removed, the BIODANCE trademark remained on the homepage, and following the suspension of its Shopify account, the Respondent transferred the disputed domain name to a new hosting provider, indicating an unwillingness to comply and a continued risk of bad faith use.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements are present:

- (i) the disputed domain name registered by the Respondent 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.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel is satisfied that the Complainant is the owner of the trademark BIODANCE registered in the United States.

The disputed domain name incorporates the Complainant's trademark BIODANCE in its entirety, together with the additional term "pk", which corresponds to the country code for Pakistan. In this regard, the Panel considers that the mere addition of the term "pk" does not prevent a finding of confusing similarity with the Complainant's trademark, as the Complainant's BIODANCE trademark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

It is an accepted principle that TLDs, in this case ".com", are to be typically disregarded in the consideration of the issue of whether a domain name is identical or confusingly similar to a Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark and that the requirements in paragraph 4(a)(i) of the Policy are fulfilled.

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.

The Panel notes that the Respondent does not have any registered trademark or trade name and no license or authorization of any other kind has been given to the Respondent by the Complainant to use its registered trademark. On the contrary, as evidenced by the Complainant's assertions and supporting documents, the Respondent has used the disputed domain name, which incorporates the Complainant's trademark, to create the false impression of being the Complainant's official website at "www.biodance.co.kr" by displaying the Complainant's trademark and purportedly offering its skincare products through the website associated with the disputed domain name, without displaying any accurate and prominent disclaimer regarding the lack of relationship between the Respondent and the Complainant. Therefore, the Panel is of the opinion that the Respondent's use of the disputed domain name was intended to create confusion with the Complainant, its

registered trademark, and its official website. Such conduct does not support a finding of rights or legitimate interests in the disputed domain name on the part of the Respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, the nature of the disputed domain name carries a risk of implied affiliation as consumers may think the disputed domain name would resolve to the Complainant's website in Pakistan. [WIPO Overview 3.0](#), section 2.5.1.

As a result, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and the requirements of paragraph 4(a)(ii) of the Policy are therefore fulfilled by the Complainant.

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 is satisfied with the relevant evidence filed by the Complainant showing that it owns trademark rights for BIODANCE, which has been registered and used prior to the registration of the disputed domain name.

The Panel is of the opinion that it is implausible for the Respondent to be unaware of the Complainant and its trademark when the disputed domain name was registered. The Respondent's intention upon registering the disputed domain name was to engage in impersonation, specifically targeting the Complainant and its trademark. This is demonstrated by the Respondent's use of the Complainant's trademark in the same stylized font and the purportedly offering the Complainant's skincare products on the website associated with the disputed domain name, which has also replicated the color scheme and marketing language of the Complainant's official website, thereby reinforcing the impression of affiliation. The Panel further notes that the Respondent failed to respond directly to the Complainant's cease-and-desist letter, and that despite a counter-notice claiming removal of the content, the BIODANCE trademark remains visible on the homepage. Panels have consistently held that the use of a domain name for illegal activities, such as impersonation, passing off, or other forms of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Therefore, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark. While the website associated with the disputed domain name does not feature any content and only displays the Complainant's trademark, such change does not impact on the Panel's finding of bad faith under the Policy.

The Panel considers that the Respondent's subsequent transfer of the disputed domain name to a new hosting provider following the suspension of its Shopify account further evidences an attempt to maintain control over the disputed domain name for the purpose of continued unauthorized use, thereby reinforcing the Panel's finding of bad faith.

Having considered all the facts in this case, the Panel finds that the Complainant has sustained its burden of proof in showing that the disputed domain name was registered and is being used in bad faith.

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 <biodancepk.com> be transferred to the Complainant.

/Ugur G. Yalçiner/

Ugur G. Yalçiner

Sole Panelist

Date: May 6, 2025