

ADMINISTRATIVE PANEL DECISION

Laboratoires Embryolisse v. Grover Britten
Case No. D2025-1858

1. The Parties

The Complainant is Laboratoires Embryolisse, France, represented internally.

The Respondent is Grover Britten, United States of America (“United States”).

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 9, 2025. On May 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 9, 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 (Privacy Protected / Proxy Service (via NameSilo)) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant did not file an amendment to the Complaint.

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 May 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 20, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on June 25, 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 French company established in 2004 that manufactures dermo-cosmetic skincare products.

The Complainant's parent company GPT DE LABORATOIRES FRANCAIS-SORAS (EMBRYOLISSE LABORATOIRE)¹ is the owner of the following trademark registrations for EMBRYOLISSE (Annexes 2 and 3 to the Complaint):

- France trademark registration No. 06 3 449 943, registered on September 12, 2006, successively renewed, in class 3; and
- France trademark registration No. 06 3 402 507, registered on January 9, 2006, successively renewed, in class 5.

The disputed domain name was registered on March 15, 2025. At the time of filing the Complaint, the disputed domain named resolved to a webpage impersonating the Complainant, purportedly offering for sale the Complainant's products and reproducing the logo in which the Complainant has rights (Annexes 4-9 to the Complaint).

Presently, no active webpage resolves from the disputed domain name.

A Facebook profile used in connection with the disputed domain name has been taken down due to its impersonation of the Complainant (Annex 10 to the Complaint) and an official police report was also filed by the Complainant after a customer of the Complainant informed the Complainant that it had made a purchase at the webpage that used to resolve from the disputed domain name but did not receive the purchased product (Annex 11 to the Complaint).

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 asserts to be the registered owner of the well-known trademark EMBRYOLISSE, used internationally in the field of dermo-cosmetic skincare products.

According to the Complainant, the disputed domain name is nearly identical to the Complainant's trademark, the only difference being the omission of the final letter "s", which is a clear example of typosquatting.

The Complainant submits that the disputed domain name has been used in connection with a webpage as well as a Facebook profile in an attempt to impersonate the Complainant, having the website hosted at the disputed domain name been entirely written in French, which is the official language of the Complainant and of its target audience and what further supports the fact that the Respondent is knowingly targeting French-

¹ <https://annuaire-entreprises.data.gouv.fr/entreprise/gpt-de-laboratoires-francais-soras-embryolisse-laboratoire-340556588>.

speaking consumers and is familiar with the Complainant.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that:

- i. the Respondent has no affiliation with the Complainant and has not been authorized, licensed, or otherwise permitted to use the trademark EMBRYOLISSE in any way;
- ii. there is no evidence that the Respondent has been commonly known by the disputed domain name, nor that it is using it in connection with a bona fide offering of goods or services; and
- iii. quite to the contrary, the disputed domain name resolves to a fraudulent website that reproduced the Complainant's products, branding, and overall visual identity with the clear intent to mislead consumers into believing they were purchasing from the Complainant's official website, what cannot constitute a legitimate or fair use of the disputed domain name.

Lastly, the Complainant submits that the disputed domain name was registered and used in bad faith given the fraudulent intent to impersonate the Complainant and harm Internet users. In addition to that, the Respondent's choice to retain a privacy protection service is a further indicative of the Respondent's bad faith, suggesting an intent to avoid accountability, also having a formal police complaint been filed in France regarding the fraudulent use of the disputed domain name (Annex 11 to the Complaint).

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (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.

The Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the EMBRYOLISSE mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been commonly known by the disputed domain name and is neither authorized, licensed, or been allowed to use the Complainant’s trademark, whether in the disputed domain name, or in any other way.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Furthermore, panels have held that the use of a domain name for illegal activity such as impersonation/passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the composition of the disputed domain name reproducing the EMBRYOLISSE trademark, with a minor typo, (previous 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. See [WIPO Overview 3.0](#), section 3.1.4);
- b) the Respondent has used the disputed domain name in connection with a website purportedly offering the Complainant’s products and reproducing the EMBRYOLISSE logo, in a clear attempt to impersonate the Complainant;
- c) the Respondent has provided no evidence of any actual or contemplated good faith use by it of the disputed domain name;
- d) the privacy protection service was used for registration of the disputed domain name, which shows the Respondent’s attempt to conceal its identity; and
- e) the indication of false or incomplete contact details, not having the Center been able to deliver the written

notice to the Respondent.

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 <embryolise.top> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: July 9, 2025