

ADMINISTRATIVE PANEL DECISION

FragranceX.com Inc. v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2025-2038

1. The Parties

The Complainant is FragranceX.com Inc., United States of America (“United States”), represented by SafeNames Ltd., United Kingdom.

The Respondent is Carolina Rodrigues , Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <fragrancexs.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 May 22, 2025. On May 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 23, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 amended Complaint on May 28, 2025.

The Center verified that the Complaint together with the amended 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 Pablo A. Palazzi as the sole panelist in this matter on June 24, 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 was founded in 2001 and since that time it has operated as an online retailer for fragrances and perfumes, through its primary business website “www.fragrancex.com”, which was first registered and used as early as April 2001.

The Complainant offers thousands of perfumes, colognes and lotions for sale, including a number of famous brands. The Complainant’s online business has a global reach: its online store currently receives over 3 million visits per month, of which 47% reach the website via direct type-in.

The Complainant has a substantial online presence through social media including a Facebook page that has attracted 1.1 million likes. Multiple third-party publications list the Complainant’s online platform as among the best places to purchase perfume products.

The Complainant owns a portfolio of registered trademarks for FRAGRANCEX.COM and FRAGRANCEX, which includes but is not limited to the following trademarks:

- United States Trademark Registration no. 3365121 for the mark FRAGRANCEX.COM, registered on January 8, 2008, in Class 35;
- United States Trademark Registration no. 5375103 for the mark FRAGRANCEX, registered on January 9, 2018, in Class 35.

The disputed domain name was registered on August 6, 2024.

The Respondent previously used the disputed domain name to redirect to the Complainant’s official website through an affiliate link. At the time of filing the Complaint, the Respondent used the disputed domain name to distribute malware.

The Complaint states that the Respondent has configured MX records for the disputed domain name, enabling the Respondent to send and receive email with addresses that use the disputed domain name.

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.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (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 burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([WIPO Overview 3.0](#)), section 4.3.

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 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 entirety of the mark is reproduced 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](#), section 1.7.

Although the addition of the letter "s" at the end of the disputed domain name may bear on assessment of the second and third elements, the Panel finds the addition of such letter does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 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.

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 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 Complainant is operating online since 2001 while the Respondent registered the disputed domain name in 2025.

-The Respondent had previously used the disputed domain name to redirect to the Complainant's official website through an affiliate link. At the time of filing the Complaint, the Respondent used the disputed domain name to distribute malware.

- The Respondent has been a party to more than 498 UDRP cases where bad faith in the registration of the disputed domain was found. According to the [WIPO Overview 3.0](#), section 3.1.2, such a consistent track record of adverse UDRP decisions evidences a clear pattern of abusive registrations, strongly indicating bad faith and supporting the conclusion that the Respondent is engaged in cybersquatting rather than any legitimate domain name activity.

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.

In light of the foregoing, the Panel finds that the Respondent has intentionally attempted to cause confusion with the Complainant's trademarks thus misleading Internet users into believing that the inherently misleading disputed domain name belongs to or is associated with the Complainant.

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 <fragrancexs.com> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: July 9, 2025