

## ADMINISTRATIVE PANEL DECISION

Coty Beauty Germany GmbH v. 王重 (Wang Zhong)  
Case No. D2025-2608

### 1. The Parties

The Complainant is Coty Beauty Germany GmbH, Germany, represented by Studio Barbero S.p.A., Italy.

The Respondent is 王重 (Wang Zhong), China.

### 2. The Domain Name and Registrar

The disputed domain name <cotyinc.net> is registered with Shanghai Meicheng Technology Information Development Co., Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 July 10, 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 in English on July 11, 2025.

On July 10, 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 July 11, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on July 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2025. The Respondent did not submit any formal response. On July 15, 2025, the Respondent sent an email communication to the Center. The Center sent an email regarding possible settlement to the Parties on the same day. On July 22, 2025, the Complainant sent an email stating that they would like to continue the proceedings. On July 24, 2025, the Respondent sent another email to the Center. The Center informed the Parties that it would proceed to panel appointment on August 9, 2025.

The Center appointed Jonathan Agmon as the sole panelist in this matter on August 12, 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 subsidiary of Coty, Inc. ("Coty"), an American multinational beauty company and one of the world's largest beauty and fragrance companies. Founded in 1904 by the French perfumer Joseph Marie François Spoturno (also known as François Coty), Coty expanded very rapidly over the next years and launched a new trend in mass-produced fragrance. In 1907, Coty opened its first store in La Place Vendôme, Paris. In the early 1910s, Coty began its global expansion, and opened stores in Moscow, London and New York, as well as in major cities across Europe, North and South America, and Asia. Coty rapidly achieved great success internationally since the 1950s and has been a key player in the American lipstick market with the launch of "Coty 24". Over the years, Coty became a leader in mass fragrance and in prestige fragrance, colour cosmetics and skincare, and became one of the largest fragrance company in the United States of America by the 1960s. In 2016, Coty acquired global license rights for 41 beauty brands from Procter & Gamble, including Clairol, CoverGirl, Gucci, Hugo Boss, Lacoste, Max Factor, and Wella. Coty ranked 5th in the Women's Wear Daily's 2017 "Top 100" list of the world's largest beauty manufacturers, with USD 9.15 billion in sales. In the same year, according to the Advertising Age, Coty was one of the largest global advertisers. In 2022, Coty won the Sustainability in Beauty Award from Women's Wear Daily Beauty Inc. Today, Coty has more than 11,000 employees worldwide.

Coty has a strong online presence through its social media platforms, Facebook, Twitter, YouTube, Instagram and Pinterest.

The Complainant owns various trademark registrations for COTY, including the following:

- International trademark registration no. 655406 for COTY, registered on April 22, 1996;
- International trademark registration no. 150245 for COTY, registered on November 21, 1950;
- European Union trademark registration no. 002950780 for COTY, registered on December 9, 2003;
- China trademark registration no. 67228708 for COTY, registered on December 21, 2024;
- China trademark registration no. 54074678 for COTY, registered on September 28, 2021; and
- China trademark registration no. 67228708 for COTY, registered on December 21, 2024.

The Complainant's parent company, Coty, owns and operates various domain names, including its primary domain names <coty.com>, registered on November 10, 1998, and <cotyinc.com>, registered on April 24, 1996.

The disputed domain name was registered on November 20, 2024, and at the time of filing the Complaint, resolves to an inactive website. The Mail Exchange ("MX") records of the disputed domain name have also been configured.

## **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 contends that:

- The disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name contains the entirety of the Complainant's COTY trademark with the addition of the generic suffix "inc", which is a common abbreviation for "incorporated", or "incorporation". This suffix is not only not a distinguishing feature, but in fact enhances the confusion as Internet users may believe that the disputed domain name is owned by the Complainant or one of its affiliated entities. The disputed domain name is also identical to the Complainant's <cotyinc.com> domain name, which is the email domain used for the Complainant's employees.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not an employee, a licensee or authorised agent of the Complainant. The Respondent is not authorised to use the Complainant's trademark. The Respondent is not an authorised reseller of the Complainant and has not been authorised to register and use the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent has not furnished any evidence that the Respondent is using or preparing to use the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name resolves to an inactive website. The passive use of the disputed domain name cannot be considered as either a bona fide offering of goods or services, or a legitimate non-commercial or fair use of the disputed domain name. The composition of the disputed domain name, and its identity to the Complainant's own domain name carries a high risk of implied affiliation with the Complainant. The fact that the Respondent did not respond to the Complainant's cease-and-desist letter and subsequent reminder can be construed as an adoptive admission of the allegations.
- The disputed domain name was registered and is being used in bad faith. The registrations of the Complainant's COTY trademarks predate the registration of the disputed domain name by several years. Further, the COTY trademark has been used in connection with the Complainant's advertising and sales of its products since as early as the 1900s. The Complainant's COTY mark is a famous mark, and the Respondent knew or should have known of the existence of the Complainant at the time of registering the disputed domain name. The reputation of the Complainant's COTY trademark has also been recognized in prior UDRP decisions. The Respondent had actual knowledge of the Complainant and its COTY trademark at the time of the registration of the disputed domain name, as demonstrated by the fact that the disputed domain name is nearly identical to the name of the Complainant's parent company. The disputed domain name resolves to an inactive website. The non-use of a disputed domain name can be held to be in bad faith under the doctrine of passive holding. The MX records of the disputed domain name have also been configured, which allows the Respondent to use the disputed domain name to send emails which may imply an affiliation with the Complainant. The Respondent also failed to reply to the Complainant's cease-and-desist letter, which is evidence of bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: 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 Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- The Complainant communicates in English and would be prejudiced if it were required to translate the Complainant and participate in the proceeding in Chinese;
- English would be the fairest neutral language for rendering the decision;
- The disputed domain name consists of Latin characters and consists of the COTY trademark and the English term “inc”;
- The generic Top level Domain “.net” reveals the Respondent’s intention to target an international audience, including English-speaking users.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[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.

### **6.2 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 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 other terms, here, “inc”, may bear on assessment of the second and third elements, the Panel finds the addition of such a term 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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant’s registration of its COTY trademark long predates the registration of the disputed domain name. The disputed domain name resolved to an inactive website, and there is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate purpose.

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 Respondent registered the disputed domain name a very long time after the Complainant registered its COTY trademark. Given the fame of the Complainant’s COTY trademark, it is highly unlikely that the Respondent was not aware of the Complainant and its trademark prior to the registration of the disputed domain name.

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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or significant reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel notes that in response to the Complaint being filed, the Respondent sent an email to the Center on July 15, 2025, asking if “the settlement require a payment of \$1,000 and the cancellation of the domain name?”. The Complainant replied to the Respondent on July 17, 2025, asking, inter alia, the Respondent to clarify if their intention is to transfer the domain name to the Complainant free of charge. As no response was received from the Respondent, the Complainant indicated that it was no longer willing to suspend the

proceeding for settlement purposes. The Panel considers that this exchange is evidence of the Respondent's intention to transfer the disputed domain name in return for a fee far in excess of any likely out-of-pocket registration costs, which is evidence of bad faith.

For the sake of completeness, it is noted that on July 24, 2025, the Respondent sent an email to the Center, stating that he was willing to transfer the disputed domain name to the Complainant for free. However, this email was received past the deadline fixed for the Parties, and after the Complainant had indicated its unwillingness to settle the matter.

Noting the overall circumstances of this case, 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 <cotyinc.net> be transferred to the Complainant.

*/Jonathan Agmon/*

**Jonathan Agmon**

Sole Panelist

Date: August 27, 2025