

ADMINISTRATIVE PANEL DECISION

L'Oréal v. Ho Anh Dung, HBK Trading Company
Case No. D2025-2884

1. The Parties

The Complainant is L'Oréal, France, represented by Dreyfus & associés, France.

The Respondent is Ho Anh Dung, HBK Trading Company, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <garniervietnam.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 July 21, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 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 ("Privacy service provided by, Withheld for Privacy ehf") and contact information in the Complaint. The Center sent an email communication to the Complainant on July 23, 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 July 23, 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 July 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 14, 2025.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on August 19, 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, L'Oréal, is a French industrial group specialized in the field of cosmetics and beauty and is one of the largest and well-known cosmetics groups worldwide. It has a portfolio of 36 brands, organised as four complementary Divisions (Professional Products Division, Consumer Products Division, L'Oréal Luxe and the Active Cosmetics Division), 21 research centers, employs 86,000 employees, and is present in 150 countries.

The Complainant owns a portfolio of international brands that covers all the lines of cosmetics: hair care, colouring, skin care, makeup and perfume. The Complainant's brands are managed within the group by divisions that each have expertise in their own distribution channel. This organization is one of the Complainant's major strengths. It makes it possible to respond to every consumer's expectation according to their habits and lifestyle but also to adapt to local distribution conditions, anywhere in the world.

The Complainant is also present in Viet Nam, where the Respondent is located. Established in Viet Nam in mid-2007, the Complainant has become a leading company after 15 years, contributing to shaping the future of the beauty industry in the country by introducing 13 out of the Group's 36 international brands to the Vietnamese market, including GARNIER, reaching consumers across all sectors and distribution channels.

The Complainant owns numerous GARNIER trademark registrations around the world, including the following:

- International Trademark Registration No. 1300501 GARNIER, dated February 2, 2016, designating, inter alia, Viet Nam and covering goods in class 03;
- International Trademark Registration No. 248215 GARNIER, dated October 07, 1961, and duly renewed, designating, inter alia, Algeria, Egypt, Morocco, Sudan and Viet Nam, and covering goods in classes 01, 02, 03, 05, 08, 21 and 26;
- Vietnamese Trademark Registration No. 4-0430247-000 GARNIER, dated July 14, 2022, covering goods in class 03.

In addition, the Complainant operates, among others, the following domain names reflecting its trademark in order to promote its goods and services:

<garnier.fr> registered on October 13, 2008, and <garnier.vn> registered on August 7, 2006.

The disputed domain name was registered on February 27, 2025, and resolves to a website displaying the Complainant's trademark GARNIER and offering the Complainant's products for sale.

Previous panels have considered the Complainant's trademark GARNIER to be "well-known" or "famous" (*L'Oréal v. Whois Privacy Protection Service by onamae.com / Motoko Fujii*, WIPO Case No. [D2016-0593](#); *L'Oréal v. Julien Cangelosi, YESWECANGE*, WIPO Case No. [D2024-3166](#); *L'Oréal v. Vitaly P Pak*, WIPO Case No. [D2013-0291](#); *L'Oréal v. Yungu Jo*, WIPO Case No. [D2016-0503](#); *L'Oréal SA v. Yoyo.email, Giovanni Laporta*, WIPO Case No. [D2014-1172](#)).

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 directs to a website in Vietnamese reproducing the Complainant's trademarks and logo without its authorization and offering its alleged products for sale.

Furthermore, the email servers have been configured on the disputed domain name. As such, the Complainant argues that there might be a risk of phishing.

Before starting the present proceeding, the Complainant made some efforts to resolve this matter amicably.

The Complainant sent notifications to the Registrar and hosting provider, requesting the blocking of the disputed domain name and deactivation of the website. Apart from automated messages, the Complainant did not receive any substantial response. Having exhausted all resources available, the Complainant has not been able to conclude the case through amicable means.

Consequently, as no amicable settlement could be found, the Complainant indicates that it had no other choice but to initiate this procedure against the Respondent in order to obtain the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 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, "Vietnam", may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

The Panel finds that the nature of the disputed domain incorporating the Complainant’s trademark in its entirety with the term “Vietnam”, carries a risk of implied affiliation or association, as stated in section 2.5.1 of the [WIPO Overview 3.0](#).

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 is satisfied that the Respondent must have been aware of the Complainant’s trademark GARNIER mentioned in section 4 above (Factual Background) when it registered the disputed domain name on February 27, 2025. By that time, the Complainant had long ago registered and intensely used the trademark GARNIER including in Viet Nam, where the Respondent is supposedly located.

The Panel also finds that by registering the disputed domain name which includes the Complainant’s trademark GARNIER in its entirety, the Respondent was targeting the Complainant and its business. The addition of the geographical term “Vietnam” only contributes to confuse Internet users and leads them to think that the Respondent’s website belongs to or is endorsed by the Complainant with the intention to capitalize on the fame of the Complainant’s trademark for its own benefit.

Further, the fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain name, the nature of the disputed domain name, and the use of the disputed domain name to resolve to a webpage displaying the Complainant’s logo, product images and offering goods under the Complainant’s name (without its authorization), are indicative of bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)). The Panel finds that the Respondent registered and is using the disputed domain name in bad faith.

The Panel finds that the requirements of paragraph 4(a)(iii) of the Policy have been fulfilled.

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 <garniervietnam.com> be transferred to the Complainant.

/Miguel B. O'Farrell/

Miguel B. O'Farrell

Sole Panelist

Date: September 1, 2025