

## **ADMINISTRATIVE PANEL DECISION**

Sacheu Beauty, Inc. v. rogers webb, MY SACHEU  
Case No. D2025-2942

### **1. The Parties**

The Complainant is Sacheu Beauty, Inc., United States of America (“United States”), represented by Meister Seelig & Fein LLP, United States.

The Respondent is rogers webb, MY SACHEU, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <mysacheu.com> (the “Disputed Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 23, 2025. On July 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 24, 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 (Contact Privacy Inc. Customer 0175556277) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 August 1, 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 August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 28, 2025.

The Center appointed Lynda M. Braun as the sole panelist in this matter on September 2, 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, a Delaware corporation with headquarters in Studio City, California, United States, is a retailer of beauty products sold under its registered trademarks. The Complainant sells its products throughout the United States in over 1,400 brick and mortar stores, and through various e-commerce platforms. The Complainant has promoted its trademarks globally and contends that it has developed a considerable reputation and goodwill in the United States and jurisdictions worldwide.

The Complainant owns the following trademarks, that are registered through the United States Patent and Trademark Office (“USPTO”): SACHEU, United States Trademark Registration No. 6,382,222, registered on June 8, 2021, in International Classes 3 and 10; and SACHEU BEAUTY, United States Trademark Registration No. 7,397,321, registered on May 28, 2024, in International Class 3. The Complainant also owns a trademark application for SACHEU BEAUTY, United States Trademark Application Serial No. 99/161,704, with a priority date of September 28, 2020, in International Class 35. The Complainant further owns registered trademarks in the European Union, the United Kingdom, and Canada. The aforementioned trademarks will hereinafter collectively be referred to as the “SACHEU Mark”.

The Complainant owns the domain name <sacheu.com>, which was registered on March 18, 2020, and resolves to its official website at “www.sacheu.com”, and which it has continuously used for the advertising, promotion, and sale of its cosmetic and beauty products.

The Disputed Domain Name was registered on July 17, 2025, and resolves to an unauthorized website where it allegedly sells counterfeit or infringing merchandise bearing the SACHEU Mark at a price substantially lower than that of the Complainant’s authentic beauty products. The Respondent’s resolving website has the identical look and feel of the Complainant’s website and sells alleged counterfeit or infringing goods using the SACHEU Mark that are in direct competition with the Complainant’s authentic goods. The Disputed Domain Name’s resolving website also consists of prominent and frequent use of the SACHEU Mark alongside identical images from the Complainant’s website.

#### **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 the Complainant’s SACHEU Mark; and
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- the Disputed Domain Name was registered and is being used in bad faith.

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

##### **B. Respondent**

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

## 6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

### A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the SACHEU Mark.

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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the SACHEU Mark based on its years of use as well as its registered trademarks for the SACHEU Mark before the USPTO and many other trademark offices worldwide. The consensus view of panels is that "registration of a mark is prima facie evidence of validity, which creates a rebuttable presumption that the mark is inherently distinctive". See *CWI, Inc. v. Domain Administrator c/o Dynadot*, WIPO Case No. [D2015-1734](#). The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the SACHEU Mark as explained below.

The Disputed Domain Name consists of the SACHEU Mark in its entirety preceded by the term "my" and then followed by the generic Top-Level Domain ("gTLD") ".com". It is well established that a domain name that wholly incorporates a trademark may be deemed confusingly similar to that trademark for purposes of the Policy despite the addition of other terms. As stated in section 1.8 of [WIPO Overview 3.0](#), "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Thus, the mere addition of the term "my" to the Complainant's SACHEU Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's SACHEU Mark.

Based on the available record, the Panel finds that 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 that 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 that 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 Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the SACHEU Mark nor does the Complainant have any type of business relationship with the Respondent. The Panel notes that the registrant organization provided by the Respondent when registering the disputed domain name is “MY SACHEU”, however, noting the impersonating use of the disputed domain name the Panel finds it most likely that this choice of name was made in furtherance of such impersonation to falsely suggest affiliation with the Complainant. In this regard, there is no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name for the purposes of the Policy. There is also no evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Further, the Respondent is not now, nor has it ever been an authorized retailer of the Complainant’s merchandise. Based on the use made of the Disputed Domain Name to resolve to a website presumably promoting and selling counterfeit goods bearing the SACHEU Mark, and copying other elements of the Complainant’s website, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name.

Moreover, the Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. Rather, the Panel finds that the Respondent is using the Disputed Domain Name for commercial gain with the intent to mislead by deceiving the Complainant’s customers into incorrectly believing that they arrived at the Complainant’s website. Such use cannot conceivably constitute a bona fide offering of a product within the meaning of paragraph 4(c)(i) of the Policy or a noncommercial or fair use of the Disputed Domain Name.

Panels have also overheld that the use of a domain name for illegal activity, here claimed impersonation/passing off and the purported sale of counterfeit goods, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available record, the Panel finds that the second element of the Policy has been established

## **C. Registered and Used in Bad Faith**

The Panel finds that, based on the record, the Complainant has demonstrated the existence of the Respondent’s bad faith pursuant to paragraph 4(b) of the Policy as set forth below.

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. 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.

First, the Panel concludes that the Respondent is using the Disputed Domain Name for an illegitimate purpose that demonstrates knowledge of the Complainant's trademark rights and a bad faith intent to register and use the Disputed Domain Name. By registering the Disputed Domain Name that is confusingly similar to the Complainant's mark purportedly to offer and sell the same or similar cosmetic and beauty products – albeit allegedly counterfeit items – to the products sold by the Complainant, it is evident that the Respondent had knowledge of the Complainant, its business, and its SACHEU Mark when registering the Disputed Domain Name. In light of the circumstances in this case, it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's SACHEU Mark at the time the Disputed Domain Name was registered.

Second, the use of a domain name to intentionally attempt to attract Internet users to a respondent's website by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the respondent's website demonstrates registration and use in bad faith. In so doing, the Respondent, by means of the inherently misleading Disputed Domain Name, fraudulently attempts to hold itself out as an official website for SACHEU beauty products, which conduct is tantamount to bad faith.

Here, the Panel finds that the Respondent's registration and use of the Disputed Domain Name had been done for the specific purpose of trading upon and targeting the mark and reputation of the Complainant, since the Disputed Domain Name was used to resolve to a website that purported to offer goods identical to those on the Complainant's website. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com,"* WIPO Case No. [D2000-0847](#) (“[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain”). Based on the circumstances here, the Respondent registered and is using the Disputed Domain Name in bad faith to target the Complainant's SACHEU Mark to disrupt the Complainant's business, and to drive Internet traffic seeking the Complainant's goods to the website to which the Disputed Domain Name resolves, which purportedly offers counterfeit versions of the Complainant's beauty products. Whether the goods sold are genuine goods from the Complainant need not be determined given the overall impersonating nature of the Disputed Domain Name and the use to which it has been put, which support a finding of registration and use of the Disputed Domain Name in bad faith.

Finally, panels have held that the use of a disputed domain name for illegal activity, here, claimed impersonation/passing off and the sale of counterfeit goods, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In sum, the Panel concludes that the circumstances of this case, including, but not limited to, the Complainant's claim that the Disputed Domain Name had been used to create an identical website that competes with that of the Complainant, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, support an inference of bad faith.

Based on the available record, the Panel finds that the third element of the Policy has been established.

## 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 <mysacheu.com> be transferred to the Complainant.

/Lynda M. Braun/

**Lynda M. Braun**

Sole Panelist

Date: September 9, 2025