

## **ADMINISTRATIVE PANEL DECISION**

AX Beauty Brands, LLC v. 陈晓(Xiao Chen)

Case No. D2025-3201

### **1. The Parties**

The Complainant is AX Beauty Brands, LLC, United States of America, represented by Meister Seelig & Fein LLP, United States of America.

The Respondent is 陈晓(Xiao Chen), China.

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

The disputed domain name <urbanskinrx.top> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 11, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 August 14, 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 14, 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 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2025.

The Center appointed Michael D. Cover as the sole panelist in this matter on September 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, AX Beauty Brands, LLC., is a Delaware Limited Liability Company with offices in New York, New York.

The Complainant is a consumer products company specializing in the development and marketing of beauty and personal care goods across skincare, cosmetics, and wellness categories. Among its portfolio of proprietary brands is URBAN SKIN RX, a nationally recognized skincare brand known for its focus on melanin-rich skin and clinically effective treatments for issues such as hyperpigmentation and uneven skin tone. URBAN SKIN RX has achieved substantial commercial success and consumer recognition.

The Complainant's beauty brands, URBAN SKIN RX, has been operating an e-commerce beauty site at "www.urbanskinrx.com" since September 29, 2010, and which has continuously been used for the advertising, promotion and sale of its products.

The Complainant is the proprietor of, amongst others, the following registered trademarks:

United States of America No. 5,221,577 URBAN SKIN RX dated June 13, 2017 in Classes 3 and 35;

United States of America No. 6,051,319 PRO STRENGTH BY URBAN SKIN RX dated June 18, 2019 in Class 3; and

United States of America No. 6,739,929 URBAN SKIN RX PRO STRENGTH COLLECTION dated May 24, , 2022 in Class 3.

The Complainant operates its website at <urbanskinrx.com>, which domain name was registered on September 29, 2010, from which the Complainant markets and sells its consumer and beauty products.

The Respondent is an individual located in China.

The Disputed Domain Name was registered on June 28, 2025. The Disputed Domain Name resolves to a website which is a copy of the Complainant's official website, featuring essentially an identical layout and format to the Complainant's official 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.

Identical or Confusingly Similar

The Complainant submits as follows:

The Complainant has submitted in Annex 6 of the Complaint electronic copies of valid and subsisting trademark registration certificates in the name of the Complainant showing that it owns registrations for several of the Complainant's Marks, including the URBAN SKIN RX Mark in the United States, with priority

dates at least as early as September 27, 2010, prior in time to registration of the Disputed Domain Name. The Complainant has therefore established trademark rights in its URBAN SKIN RX Mark sufficient to meet the first part of its burden under paragraph 4(a)(i) of the Policy. See, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1. "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case."

The Complainant notes that the remaining question under the first element of the Policy is whether the Disputed Domain Name is identical or confusingly similar to the Complainant's URBAN SKIN RX Mark. It is well accepted, states the Complainant, among UDRP panels that the first element functions primarily as a standing requirement and that the 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 3.0](#), section 1.7 ("[I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered -confusingly similar to that mark for purposes of UDRP standing."). See also, *RapidShare AG, Christian Schmid v. Protected Domain Services/Dmytro Gerasymenko*, WIPO Case No. [D2010-1071](#); *RapidShare AG and Christian Schmid v. majeed randi*, WIPO Case No. [D2010-1089](#).

A side-by-side comparison between the Disputed Domain Name and the URBAN SKIN RX Marks shows the Disputed Domain Name consists of the entirety of the URBAN SKIN RX Mark. The Complainant further contends that the Panel's determination of confusing similarity should consider both Respondent's use of the Disputed Domain Name and the Respondent's use of Respondent's Copycat Website to impersonate the Complainant which is a replication of the Complainant's Official URBAN SKIN RX Website, down to copies of the Complainant's copyrighted digital images of its cosmetic products, its logo, and the Complainant's Marks in their entireties. The foregoing evidence shows the Respondent has sought to target and pass itself off as the Complainant through the Respondent's creation, registration and use of the Disputed Domain Name and its website impersonating the Complainant and therefore, clarifies and affirms confusing similarity between the Complainant's URBAN SKIN RX Marks and the Disputed Domain Name. See *Bayer Healthcare LLC v. Admin, Domain*, WIPO Case No. [D2016-2342](#).

Considering the foregoing circumstances, therefore, the Complainant submits that the Disputed Domain Name is confusingly similar to the Complainant's URBAN SKIN RX trademarks, and the Complainant contends it has satisfied the burden under paragraph 4(a)(i) of the Policy.

#### Rights or Legitimate Interests

The Complainant submits that the Respondent has no rights or legitimate interests in the Disputed Domain Name and asserts that the Respondent is unable to invoke any of the circumstances set out in paragraph 4(c) of the Policy to demonstrate rights or legitimate interests in the Disputed Domain Name. See [WIPO Overview 3.0](#), section 2.1. The Disputed Domain Name does not reflect the Respondent's common name. Such evidence was presented in Annex 1. To the best of the Complainant's knowledge, the Respondent has not secured or sought to secure any trademark rights in either the terms URBAN SKIN RX. Rather, says the Complainant, the Respondent is using the Disputed Domain Name to infringe upon the Complainant's rights in its famous and well-known URBAN SKIN RX Marks, including in the United States, where the Complainant has owned valid, subsisting, and well-known statutory and common law trademark rights and federal trademark registrations since at least as early as 2010, predating Respondent's registration of the Disputed Domain Name on June 28, 2025, by years.

The Disputed Domain Name currently resolves to the Respondent's Copycat Website claiming to offer various cosmetic products for sale under the URBAN SKIN RX Mark and other of the Complainant's Marks. Such evidence was presented in Annex 9. Accordingly, submits the Complainant, the Respondent is monetizing the Disputed Domain Name by trading on the goodwill associated with the URBAN SKIN RX Mark used in the Disputed Domain Name to draw Internet users to its website and seemingly to offer the Complainant's cosmetic products for sale in competition with the Complainant under

the Complainant's Marks and to use the Respondent's Copycat Website to further the Respondent's illegitimate phishing scheme.

Finally, submits the Complainant, it is well-established that, where a complainant contends the respondent has no rights or legitimate interests in a disputed domain name, the burden of proof shifts to the respondent to come forward with proof to the contrary. See, e.g., *LACOSTE and LACOSTE ALLIGATOR SA v. Domain Manager*, WIPO Case No. [D2016-2181](#) ("The Complainants have provided prima facie evidence of the Respondent's lack of rights or legitimate interests in the disputed domain name, and the burden of production therefore shifts to the Respondent to come forward with evidence demonstrating the rights or legitimate interests it may have."); *De Beers Intangibles Limited v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2016-1465](#) ("[I]t is sufficient for a complainant to raise a prima facie case against the respondent under this head and an evidential burden will shift to the respondent to rebut that prima facie case.").

Absent a showing to the contrary by the Respondent, says the Complainant, the Complainant has established that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

#### Registered and Used in Bad Faith

The Complainant asserts that the Disputed Domain Name was registered and is being used in bad faith pursuant to paragraphs 4(b)(iii) and 4(b)(iv) of the Policy.

The Complainant notes that the Respondent is using the Disputed Domain Name to direct Internet users to an imitation website prominently displaying the URBAN SKIN RX Mark on its landing page and claiming to offer Complainant's branded cosmetic products for sale identified by their additional specific product-related registered and common law trademarks owned by the Complainant, thus unfairly trading on the goodwill associated with the Complainant's Marks. Accordingly, the Complainant states, the Respondent is engaged in disrupting Complainant's business by diverting business and prospective customers away from the Complainant and its goods and services.

The Complainant concludes that the Disputed Domain Name was registered and used in bad faith, in violation of paragraph (4)(a) of the Policy.

The Complainant requests that the Panel decide that the Disputed Domain Name be transferred to the Complainant.

### **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in the Disputed Domain Name and that the Disputed Domain Name has been registered and is being used in bad faith.

### **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 its registered trademark URBAN SKIN RX 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 Complainant's URBAN SKIN RX trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is also well-established in prior UDRP Decisions that the applicable generic Top-Level Domain ("gTLD"), in this case ".top", is a standard registration requirement and is to be ignored in considering confusing similarity.

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.

Panels have held that the use of a disputed domain name for illegitimate activity, here, 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.

In addition, the Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the Disputed Domain Name or that the Respondent is making legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

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 disputed domain name in bad faith.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's URBAN SKIN RX, using the website to which the Disputed Domain Name resolves.

Panels have held that the use of a disputed domain name for illegitimate activity, here, impersonation/passing off, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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 <urbanskinrx.top> be transferred to the Complainant.

*/Michael D. Cover/*

**Michael D. Cover**

Sole Panelist

Date: September 13, 2025