

ADMINISTRATIVE PANEL DECISION

Beauty Selection Co., Ltd. v. 方金 杨

Case No. D2025-3307

1. The Parties

The Complainant is Beauty Selection Co., Ltd., Republic of Korea, represented by Marq Vision Inc., United States of America (“United States”).

The Respondent is 方金 杨, China.

2. The Domain Name and Registrar

The disputed domain name <bioselects.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 18, 2025. On August 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 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 on August 26, 2025.

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 of the Complaint, and the proceedings commenced on August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 17, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on September 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 is a corporation incorporated under the laws of the Republic of Korea on February 12, 2020. The nature of the Complainant's business is the manufacture of perfumes and cosmetics. Since incorporation, the Complainant has achieved multiple accolades for its "Biodance" skincare brand, for example, the 2024 Best Mask award from the Singles Cosmetic Awards, a Number One Best Seller ranking at retailer Amazon, and a first-place award in the Hwahae Awards 2024, among others. The said brand also holds the number one position for facial masks in Taiwan Province of China, Singapore, and Indonesia, and is available in a wide range of retailers globally, namely in Australia, Canada, Indonesia, Japan, Malaysia, Singapore, Taiwan Province of China, Thailand, the Middle East, the United Kingdom, and the United States. For example, the said brand is available at retailer Boots in the United Kingdom, and at retailers Amazon, Costco, and Sephora in the United States. The Complainant uses the domain names <biodance.co.kr> and <beautyselection.co.kr> for official websites. Although not specifically referenced on the record, the Panel notes that the Complainant maintains its corporate website at "www.beautyselection.co.kr".

The Complainant is the owner of United States Registered Trademark Number 7197695 for the word mark BIODANCE, registered on October 17, 2023, in Class 3 (cosmetics).

The disputed domain name was registered on March 27, 2025. Nothing is known of the Respondent, which has not participated in the administrative proceeding, other than that it has an address in China. The website associated with the disputed domain name is designed to appear as if it is an official site of the Complainant featuring the Complainant's logo and product images under a prominent heading "Biodance", adding below "At Biodance, we use the power of clean, top-grade ingredients." Said website claims to offer the Complainant's products for sale. At the foot of the website among the contact details, the Respondent has reproduced a copyright statement "© 2025 Biodance" and a contact email address which is the same as the Complainant's contact email address, using the Complainant's corporate domain name <beautyselection.co.kr>.

The Complainant asserts (but does not provide evidence) that, on July 30, 2025, it issued a detailed report to the Registrar regarding the disputed domain name and its associated activities, to which the Respondent failed to reply.

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 incorporates the term "bio", derived from the Complainant's BIODANCE trademark, along with the term "selects", derived from the Complainant's company name, adding that the content of the website associated with the disputed domain name reinforces the link with the Complainant by featuring unauthorized uses of the Complainant's trademark and product imagery, and noting that panels under the Policy have in some instances considered website content to confirm confusing similarity, particularly where it is evident from such content that the Respondent is targeting the Complainant's mark via the disputed domain name. The Complainant submits that the combination of "bio" with "selects" in the disputed domain name, together with the impersonating aspects of the website associated with the disputed domain name, including the unauthorized use of the Complainant's logo and product images, amplifies the misleading impression of affiliation or endorsement by the Complainant.

The Complainant asserts that the Respondent is not commonly known by the disputed domain name, that the Respondent has not acquired trademark or service mark rights therein, and that there is no relationship or affiliation between the Complainant and the Respondent which might give rise to any license, permission, or other right by which the Respondent could own or use any domain name incorporating the Complainant's

BIODANCE mark. The Complainant submits that the Respondent is not engaged in a bona fide offering of goods or services but rather exploits the disputed domain name for commercial gain through deceptive means, falsely suggesting an affiliation with the Complainant on the associated website while offering products for sale, and using the Complainant's official email contact address, thus misleading Internet users into believing that a legitimate connection with the Complainant exists.

The Complainant asserts that due to the Complainant's strong online presence and the well-known nature of its BIODANCE trademark, the Respondent was, or should have been aware of, the Complainant's rights when it registered the disputed domain name, this being readily identifiable via a simple Internet or trademark registry search, adding that the circumstances of use of the disputed domain name for impersonation, trademark misappropriation, and concealment of identity supports a finding of bad faith registration and use. The Complainant submits that the combination of "bio" from the Complainant's mark, and "selects" from its company name, creates a misleading impression of association or authorization and targets consumers searching for the Complainant's brand to capitalize on the Complainant's goodwill for commercial gain, adding that the website associated with the disputed domain name impersonates the Complainant using imagery identical or similar to that featured on the Complainant's official website and featuring products mirroring those in the Complainant's lineup, increasing the likelihood of consumer confusion. Finally, the Complainant contends that the use of deceptive contact information on the website associated with the disputed domain name further confirms bad faith, while the Respondent has taken active steps to obscure its identity via a domain name privacy service, and the Complainant's report, of July 30, 2025, effectively put the Respondent on notice as to its bad faith use 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 applicable Top-Level Domain ("TLD") in a domain name (here ".com") is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Complainant's trademark is BIODANCE. On the basis of the typical straightforward side-by-side comparison with the disputed domain name, this trademark is partially recognizable on the basis of the identical reproduction of the first three letters of the mark in the first three letters of the disputed domain name. The disputed domain name does not pair the term "bio" with the term "dance" as in the Complainant's mark but rather uses the term "selects". It is fair to say, however, that the term "bio" is a prominent part of both the Complainant's mark and the disputed domain name (see [WIPO Overview 3.0](#), section 1.7), being the first of a combination of two words in each, albeit that the second word is different. Thus, there is at least an element of the Complainant's mark in the disputed domain name. Nevertheless, the differences evident in a side-by-side comparison might be thought to leave the question of confusing similarity as something of a close call.

In these circumstances, the Panel considers it reasonable to review the broader case context in order to assess whether any additional affirmation may be found as to the question of confusing similarity between

the disputed domain name and the Complainant's mark. First, the Panel notes that the second term in the disputed domain name, "selects", might be considered to be a (partially abbreviated and pluralized) variant of the term "Selection" in the Complainant's corporate name, which is also found in the Complainant's official corporate domain name, <beautyselection.co.kr>. The use of this particular variant in combination with the term "bio" does lend some credence to the notion that the Respondent's aim was to create a domain name that it believed to be confusingly similar to the Complainant's mark, and at least to its two official online presences. However, when the content of the website associated with the disputed domain name is also factored in ([WIPO Overview 3.0](#), section 1.7), that notion is largely placed beyond doubt. In the Panel's opinion, the Respondent's said website is intended to have the appearance of an official site of the Complainant. It refers to the Complainant's BIODANCE trademark copiously throughout, together with specifically referencing the Complainant's official corporate domain name <beautyselection.co.kr> in an email address, and making no attempt to differentiate itself as being operated by an unrelated and unauthorized third party.

Under this broader context and on balance, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's mark for purposes of the first element of the Policy.

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.

As noted in the preceding section, the Respondent is evidently using the disputed domain name for a website impersonating the Complainant, making multiple references to the Complainant's BIODANCE brand and logo, and further featuring the Complainant's official corporate domain name in an email address, apparently with a view to persuading consumers that the site is an official website of the Complainant when it is not.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

For completeness, the Panel has also considered the prospect that the Respondent might be using the website associated with the disputed domain name to sell products from the Complainant's official line, noting that the Complaint does not unequivocally state that the products offered on said site are counterfeit, and does not otherwise demonstrate that these are third party products. The Panel would typically review this issue as part of the "OKI Data" test. [WIPO Overview 3.0](#), section 2.8.1. This test is composed of several cumulative elements, the first of which is that the Respondent must actually be offering the goods or services at issue. As noted above, there may be some doubt on that matter. However, even assuming for present

purposes that the Respondent is offering the Complainant's actual products for sale on the website associated with the disputed domain name, it would nevertheless fail the third element of the test, namely that the website concerned must accurately and prominently disclose the registrant's relationship with the trademark holder.

Here, not only is there no disclosure of the registrant's lack of relationship with the trademark holder, but also the website seems designed to appear as if it is an official site of such trademark holder, even reproducing the Complainant's own contact email address featuring the Complainant's corporate domain name, using the heading "ABOUT BIODANCE" without differentiating itself from the Complainant and its mark, and, importantly, providing no third party contact information or other indication of non-affiliation. Thus, the Respondent appears to have set out to create the appearance of an affiliation with the Complainant where none exists. While, as discussed in the preceding section, the composition of the disputed domain name might be said to allude to the Complainant via a partial combination of the Complainant's mark and its corporate name, rather than reproducing the entirety of the Complainant's mark, the nature of the associated website content places the Respondent's intention beyond doubt, and the Panel is satisfied that the Respondent is deliberately creating a false impression of affiliation such that it could not have claimed rights and legitimate interests in the disputed domain name had it participated in the administrative proceeding.

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 has used the disputed domain name in connection with a website that masquerades as an official site of the Complainant by extensive use of the Complainant's BIODANCE trademark, logo, and product imagery, and further reproducing the Complainant's official corporate domain name in an email address. In light of the website content, it is inconceivable that the disputed domain name was not registered by the Respondent with the Complainant, and its mark, firmly in mind.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off 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.

As noted in the preceding section, the Respondent has failed to file a Response in the administrative proceeding. Consequently, it has put forward neither submissions nor any evidence which might have suggested a good faith reason for its registration and use of the disputed domain name. The Panel has not identified, and cannot conceive of, any possible contentions which the Respondent might have made on this topic that would have suggested that the disputed domain name was registered and has been used in good faith.

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 <bioselects.com> be transferred to the Complainant.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: October 3, 2025