

ADMINISTRATIVE PANEL DECISION

Deciem Beauty Group Inc. v. Lisa Ann

Case No. D2025-3939

1. The Parties

The Complainant is Deciem Beauty Group Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Lisa Ann, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <theordinaryuae.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 September 26, 2025. On September 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 2, 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 and amendment to the Complaint respectively on October 3 and 6, 2025.

The Center verified that the Complaint together with the amended Complaint and 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 October 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 29, 2025.

The Center appointed Anna Carabelli as the sole panelist in this matter on November 3, 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

As per the evidence provided with the Complaint, the Complainant is a global skincare and beauty company founded in 2013. Since its launch, it has developed more than 50 products that are sold in markets around the world under various brands, including THE ORDINARY.

The Complainant is the owner of numerous trademark registrations for THE ORDINARY worldwide, including the following:

Trade Mark	Registration Number	Registration Date	Jurisdiction
THE ORDINARY	015761182	December 8, 2016	European Union
THE ORDINARY	016891781	October 16, 2017	European Union
THE ORDINARY	1794388	April 10, 2017	Australia
THE ORDINARY	5203537	May 16, 2017	United States of America
THE ORDINARY	260223	June 4, 2017	United Arab Emirates
THE ORDINARY	345308	June 29, 2021	United Arab Emirates
THE ORDINARY	345309	June 29, 2021	United Arab Emirates
THE ORDINARY	345310	June 29, 2021	United Arab Emirates
THE ORDINARY	5925558	February 24, 2017	Japan

The disputed domain name was registered on October 19, 2024. As per the evidence in the Complaint, the disputed domain name resolved to an active website featuring the Complainant's THE ORDINARY trademark and copyrighted images and purportedly offering for sale THE ORDINARY branded products. The Respondent's website displayed the following copyright notice: "© 2025, Ordinary UAE by YLF". At the time of this decision, the disputed domain name leads to an error page.

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 Complainant's THE ORDINARY trademark is globally recognized;
- the disputed domain name is confusingly similar to the trademark THE ORDINARY in which the Complainant has rights. The disputed domain name incorporates the Complainant's trademark in its entirety. The addition of the term "UAE" (an acronym that generally stands for the United Arab Emirates) enhances confusion by misleading consumers into believing that the disputed domain name resolves to a website that is the Complainant's authorized UAE dealer;
- the Respondent has no rights or legitimate interests in the disputed domain name. In this regard the Complainant contends the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use. Rather, it constitutes misappropriation of the complainant's trademark and copyrighted works, and misleads consumers by creating a false impression of an association with the Complainant, which is not the case;

- the disputed domain name was registered and is being used in bad faith. By using the disputed domain name, the Respondent has intentionally attempted to attract for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant. This is evidenced by the fact that the Respondent refers to itself as "The Ordinary UAE".

As further evidence of bad faith the Complainant argues that the Respondent (i) has been a respondent in a previous case involving the Complainant (*Deciem Beauty Group Inc. v. Lisa Ann*, WIPO Case No. [D2024-4632](#)) and, (ii) has provided false contact information when registering the disputed domain name, as was also the case in the above-mentioned WIPO case.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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 has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy above.

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 and recognizable 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.

The addition of the generic Top-Level Domain, such as ".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.

Although the addition of other terms, here “uae”, 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 names 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.

Additionally, the composition of the disputed domain name (containing the Complainant’s THE ORDINARY trademark) and the Respondent’s website (prominently featuring the Complainant’s trademark and allegedly offering for sale the Complainant’s products) create a risk of Internet user confusion. As per the undisputed evidence submitted with the Complaint, the Respondent’s websites did not show enough information about the Respondent or disclaimer accurately disclosing the Respondent’s relationship with the Complainant. Rather, the content of the Respondent’s website, including misappropriation of copyrighted images from the Complainant’s website and displaying of a misleading copyright notice (i.e., “Ordinary UAE by YLF”), creates the overall impression that it is the Complainant’s authorized dealer for the UAE.

Such use does not constitute a *bona fide* offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on the Respondent any rights or legitimate interests in the disputed domain name.

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, in addition to the Respondent’s attempt to pass itself off as the Complainant’s authorized dealer for UAE as discussed in section 6.B. above, the Panel notes one previous UDRP case successfully brought by the Complainant against a respondent with the same name and purported address as the Respondent (*Deciem Beauty Group Inc. v. Lisa Ann*, WIPO Case No. [D2024-4632](#)). The above suggests an intention on the part of the Respondent to target the Complainant.

On the balance of probabilities, and in the absence of any evidence to the contrary, the Panel concludes that the Respondent most likely set out to target the Complainant's mark and to deceive users by adopting a confusingly similar domain name, with an intention to divert Internet users to its website for commercial purposes, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website. This is evidence of bad faith under paragraph 4(b)(iv) of the Policy. [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 fact that the disputed domain name does not currently point to an active website and merely resolves to a webpage stating that the site can't be reached, does not prevent a finding of bad faith under the passive holding doctrine given the totality of the circumstances in the present case. [WIPO Overview 3.0](#), section 3.3.

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 <theordinaryuae.com> be transferred to the Complainant.

/Anna Carabelli/
Anna Carabelli
Sole Panelist
Date: November 17, 2025