

## ADMINISTRATIVE PANEL DECISION

Deciem Beauty Group Inc. v. 亾 ± 飞  
Case No. D2025-3943

### 1. The Parties

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

The Respondent is 亾 ± 飞, China.

### 2. The Domain Name and Registrar

The disputed domain name <theordinarys.top> is registered with Dynadot Inc (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 October 3, 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 (DT) Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 7, 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 October 7, 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 October 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 4, 2025.

The Center appointed José Ignacio San Martín Santamaría as the sole panelist in this matter on November 10, 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.

On November 26, 2025 the Panel issued a procedural order requesting clarification on one of the pieces of evidence. The Complainant provided the clarification and the Respondent did not submit any observation within the term provided.

#### **4. Factual Background**

The Complainant is a leading global skin care and beauty company, with presence in more than 100 countries.

The Complainant is the proprietor of hundreds of trademark registrations worldwide including or consisting of THE ORDINARY, among them:

- European Union trademark registration No. 15761182 THE ORDINARY, filed on August 19, 2016 and granted on December 8, 2016 for class 3 products.
- United States trademark registration No. 5203537 THE ORDINARY, filed on August 25, 2016 and granted on May 16, 2017 for class 3 products.
- Chinese trademark registration No. 21258391 THE ORDINARY, filed on September 9, 2016 and granted on November 14, 2017 for class 3 products.

The disputed domain name <theordinarys.top> was registered on July 4, 2025 and apparently redirected to the domain name <theordinarys.beauty>, which sold THE ORDINARY products, reproducing the Complainant's trademark.

#### **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 trademark THE ORDINARY in which the Complainant has rights. The disputed domain name incorporates the Complainant's trademark in its entirety with the addition of the letter "s" to the end of the mark.
- 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 for the purpose of disrupting the business of the Complainant and attempting 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 "Theordinarybeauty", thereby leading end users to believe that the Respondent is affiliated with or endorsed by the Complainant.

As a consequence, the Complainant requests 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**

Pursuant to paragraph 4(a) of the Policy and 15 of the Rules, the Panel shall grant the remedies requested if the Complainant proves that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Pursuant to paragraph 4(a) of the Policy and 15 of the Rules, for this purpose the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable, including UDRP jurisprudence as articulated in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)).

### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the THE ORDINARY mark is reproduced within the disputed domain name. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As stated in *Crédit Industriel et Commercial v. Manager Builder, Builder Manager*, WIPO Case No. [D2018-2230](#):

"The disputed domain name incorporates the CIC trademark in its entirety. Numerous UDRP panels have recognized that incorporating a trademark in its entirety can be sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark (see e.g., *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS Computer Industry (a/k/a EMS)*, WIPO Case No. [D2003-0696](#)). Moreover, it has been held in many UDRP decisions and has become a consensus view among panelists (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#),

section 1.8), that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent a finding of confusing similarity under the first element of the UDRP.”

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant’s THE ORDINARY trademark as provided under paragraph 4(a)(i) of the Policy.

## **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 Respondent’s use cannot be considered as a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Panel notes that both the composition of the disputed domain name and the content of the website carry a high risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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

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 disputed domain name reproduces the Complainant mark and, according to the information provided by the Complainant and not contested by the Respondent, the Respondent’s website apparently sold THE ORDINARY products, reproducing the Complainant’s trademark and logo thus clearly impersonating the Complainant.

According to paragraph 4(b)(iv) of the Policy, registration or use of a domain name will be considered in bad faith when:

“by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to

the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

As mentioned in *Andrey Ternovskiy dba Chatroulette v. Alexander Ochkin*, WIPO Case No. [D2017-0334](#):

“It is clear in the Panel’s view that in the mind of an Internet user, the disputed domain names could be directly associated with the Complainant’s trademark, which is likely to be confusing to the public as suggesting either an operation of the Complainant or one associated with or endorsed by it (see *AT&T Corp. v. Amjad Kausar*, WIPO Case No. [D2003-0327](#)).”

As reminded in section 3.1.4 of the [WIPO Overview 3.0](#):

“Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad 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 <theordinarys.top> be transferred to the Complainant.

*/José Ignacio San Martín Santamaría/*

**José Ignacio San Martín Santamaría**

Sole Panelist

Date: December 9, 2025