

ADMINISTRATIVE PANEL DECISION

Beiersdorf AG, Beiersdorf, Inc. v. userdc dger
Case No. D2025-4441

1. The Parties

The Complainants are Beiersdorf AG, Germany, and Beiersdorf, Inc., United States of America (“United States”), internally represented.

The Respondent is userdc dger, United States.

2. The Domain Name and Registrar

The disputed domain name <aquaphorsale.shop> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2025. On October 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (privately protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 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 November 5, 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 November 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 28, 2025.

The Center appointed Miguel B. O'Farrell as the sole panelist in this matter on December 4, 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 first Complainant, Beiersdorf AG, is a German multi-national company with headquarters in Hamburg, Germany and with 160 affiliates worldwide. The first Complainant was founded in 1882, and for over 140 years has established brands such as AQUAPHOR, NIVEA, EUCERIN, LA PRAIRIE, and COPERTONE for skin care products.

The first Complainant is the parent company of the second Complainant Beiersdorf Inc. AQUAPHOR was first developed by the second Complainant in 1924 and has remained in the Complainants' brand portfolio for 100 years. The first Complainant is the exclusive distributor of the AQUAPHOR brand.

The domain name <aquaphorus.com> was registered by the first Complainant in 1998.

The first Complainant is the registrant of the AQUAPHOR trademark in over 100 jurisdictions. Attached as Annex 4 to the Complaint is the list of jurisdictions where the first Complainant's AQUAPHOR trademark has been registered, including copies of certificates of registrations of United States Trademark Registration No. 1737475 for AQUAPHOR, registered on December 1, 1992, in Class 5, and Chinese Trademark Registration No. 27652553 for AQUAPHOR, registered on August 7 2019, in Class 5. The Complainants are hereinafter collectively referred to as the "Complainant".

The disputed domain name was registered on July 24, 2025 and resolves to a webpage that, prominently displaying the Complainant's mark, and purportedly offering the AQUAPHOR goods for sale.

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 given its long standing, worldwide, and exclusive use, the trademark AQUAPHOR is synonymously associated with a range of high-quality products that are exclusively produced and manufactured by the Complainant. Customers worldwide recognize AQUAPHOR as one of the leading skin care brands in the world.

The Respondent has fraudulently registered the disputed domain name containing the trademark AQUAPHOR with an aim to perpetuate fraudulent activity on unsuspecting customer by misleading consumers into believing that it is legitimately part of the Complainant and its affiliates and/or an authorized reseller and as such creating a false impression that it is selling authentic AQUAPHOR products.

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

By using the disputed domain name, the Respondent is engaging in illegal conduct through unauthorized sales of grey market goods and /or counterfeit AQUAPHOR products. Grey market goods refer to products that are imported and sold through unauthorized channels, bypassing the official distribution network established by the Complainant and its authorized distributors.

The Respondent further purports to be the Complainant as evidenced by its direct referencing of the Complainant's Privacy Policy.

The Respondent's website lists all AQUAPHOR products at discounted prices, further suggesting illicit activity.

The Respondent uses AQUAPHOR artistic and literary work and has directly lifted off content from the Complainant's websites "www.beiersdorf.com" and "www.aquaphorus.com" with the sole purpose of creating consumer confusion.

For all the reasons stated above, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith by using the Complainant's name, trademarks, copyrighted content, and literature, and taking advantage of the considerable goodwill and trust associated to the Complainant's name and trademark AQUAPHOR.

Therefore the Complainant requests the Panel to order the transfer of the disputed domain name to the first Complainant.

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 entirety of the mark is reproduced 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.

Although the addition of other terms here, "sale" 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level domain (gTLD) ".shop" will be disregarded by the Panel in the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

There is no evidence in the file before the Panel which could prove that the Respondent has 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.

The Panel is satisfied that the Respondent must have been aware of the Complainant’s trademark AQUAPHOR when it registered the disputed domain name on July 24, 2025, particularly considering the use of the Complainant’s trademark on the website at the disputed domain name.

In accordance with section 3.1.4 of the [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant’s widely known AQUAPHOR trademark in the disputed domain name, by the Respondent who has no relationship with the Complainant, creates a presumption of bad faith registration. The Respondent, when registering the disputed domain name, targeted the Complainant’s business and its trademark AQUAPHOR, with the intention to confuse Internet users and capitalize on the fame of the Complainant’s trademark for its own monetary benefit.

The fact that there is an absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the disputed domain name is also a significant factor that contributes to the finding that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

In the present case, the Panel notes that the disputed domain name was used by the Respondent to confuse Internet users and lead them to think that the website to which the disputed domain resolves belongs to or is sponsored by the Complainant, and thereby benefit from the fame and prestige of the Complainant’s AQUAPHOR trademark. Therefore, the Panel finds that the Respondent’s registration and use of the disputed domain name constitute bad faith under paragraph 4(b)(iv) of the Policy.

The Panel finds that the requirements of paragraph 4(a)(iii) of the Policy have been fulfilled, and 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 <aquaphorsale.shop> be transferred to the first Complainant.

/Miguel B. O'Farrell/

Miguel B. O'Farrell

Sole Panelist

Date: December 15, 2025