

## **ADMINISTRATIVE PANEL DECISION**

Riemann Trading ApS v. Luu Cong Dai  
Case No. D2025-4586

### **1. The Parties**

The Complainant is Riemann Trading ApS, Denmark, represented by Abion GmbH, Switzerland.

The Respondent is Luu Cong Dai, Viet Nam.

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

The disputed domain name <perspirex.website> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 5, 2025. On November 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 7, 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 (GMO-Z.com RUNSYSTEM) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 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 amended Complaint on November 12, 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 November 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 7, 2025. The Respondent sent an email communication to the Center on November 17, 2025. The proceeding was suspended on November 24, 2025, and extended twice until January 23, 2026. On January 26, 2026, the proceeding was reinstated at the request of the Complainant, and the due date for submission of a Response was extended until February

8, 2026. No further communications were received from the Respondent. On February 13, 2026, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed David Taylor as the sole panelist in this matter on February 24, 2026. 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 Riemann Trading ApS, a Danish manufacturer of specialised skin care products, founded by Claus Riemann in 1979. The Complainant developed Perspirex, a long-lasting antiperspirant, in the same year. Perspirex is sold in over 30 markets worldwide, including Viet Nam.

The Complainant is the owner of the registered trademark PERSPIREX in numerous jurisdictions, including:

- Australian Trademark Registration No. 416507, PERSPIREX, registered on October 9, 1984;
- Danish Trademark Registration No. VR 1984 04276, PERSPIREX, registered on December 7, 1984;
- European Union Trade Mark No. 227736, PERSPIREX, registered on May 13, 1998; and
- International Trademark Registration No. 770743, PERSPIREX, designating Japan and Viet Nam, registered on November 21, 2001.

The Complainant is the registrant of domain names comprising its PERSPIREX trademark, including <perspirex.com>, via which it informs Internet users about its products.

The disputed domain name was registered on March 24, 2025.

Prior to submission of the Complaint, in May 2025, the disputed domain name resolved to a website in Japanese that purported to offer the Complainant's deodorant products for sale (the "Respondent's website"). The Respondent's website displayed images of the Complainant's products and invited Internet users to subscribe to emails about new items and special offers. The Respondent's website did not include any disclaimers or other statements clarifying its non-affiliation with the Complainant.

On May 13, 2025, the Complainant sent a cease-and-desist letter to the Respondent. The Respondent did not reply to the Complainant's pre-Complaint correspondence.

At the time of this decision, the disputed domain name resolves to a parking 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.

The Complainant asserts rights in the PERSPIREX trademark. The Complainant submits that the disputed domain name is identical to the Complainant's trademark.

The Complainant asserts that it has not licensed or authorized the Respondent to use its trademark, nor is the Respondent affiliated with the Complainant. The Complainant submits that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, is not known by the

disputed domain name and does not own any corresponding trademarks, nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name. The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant further submits that the Respondent registered and is using the disputed domain name in bad faith. The Complainant notes that the Respondent registered the disputed domain name long after the Complainant's trademarks became widely known, including in Viet Nam where the Respondent is based. The Complainant argues that the composition of the disputed domain name and the website to which the disputed domain name previously resolved suggest that the Respondent intended to create an association with the Complainant and benefit from confusion. The Respondent's website offered products at discounted prices and collected user information, indicating intent for commercial gain by misleading users. The Complainant notes that the Respondent did not reply to the Complainant's cease-and-desist letter and argues that this further supports a finding of bad faith.

## **B. Respondent**

The Respondent did not file a substantive Response to the Complaint.

## **6. Discussion and Findings**

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was 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 of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Panel finds that the Complainant has shown rights in respect of the PERSPIREX trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 that 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 3.1](#), section 2.1.

In this case, the Respondent's website previously purported to offer the Complainant's deodorant products for sale. The record indicates that the Respondent is not an authorized distributor of the Complainant's products. Prior UDRP panels have recognized that resellers, distributors, or service providers using a domain name containing a complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the "*Oki Data* test", the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), and [WIPO Overview 3.1](#), section 2.8.

While the evidence on record does suggest that the Respondent's website appeared to offer goods bearing the Complainant's *PERSPIREX* trademark, the Panel notes that the Respondent's website did not include any disclaimers or statements clarifying its non-affiliation with the Complainant. The Panel considers that the Respondent's website was likely to mislead consumers into believing that the Respondent is affiliated with or endorsed by the Complainant. The nature of the disputed domain name itself, being identical to the Complainant's trademark, carries a high risk of implied affiliation with the Complainant, further undermining a claim of bona fide use. The Panel finds that the Respondent's use of the disputed domain name does not satisfy the *Oki Data* criteria and does not amount to a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name pursuant to paragraph 4(c)(ii) of the Policy.

The evidence indicates that the disputed domain name was used for commercial purposes, specifically to promote and sell products bearing the Complainant's trademark via the Respondent's website. The Panel finds that the Respondent has not made any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraph 4(c)(iii) of the Policy.

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 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 Complainant's PERSPIREX trademark has been in use for many decades, with registrations in multiple jurisdictions, including Viet Nam, well before the Respondent's registration of the disputed domain name on March 24, 2025. Given the composition of the disputed domain name, which is identical to the Complainant's mark, coupled with the Respondent's prior use of the disputed domain name to resolve to a Japanese-language website offering what were represented as the Complainant's deodorant products and displaying images of those products, the Panel infers that the Respondent knew of and targeted the Complainant and its PERSPIREX trademark when registering the disputed domain name.

The Respondent's use of the disputed domain name to offer products at discounted prices while collecting user information, without any disclaimer or other statement clarifying a lack of affiliation with the Complainant, supports a finding that by using the disputed domain name the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement of the Respondent's website in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The fact that the disputed domain name currently resolves to a parking page does not cure the Respondent's prior bad-faith conduct, nor does it materially affect the Panel's findings above.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in 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 <perspirex.website> be transferred to the Complainant.

*/David Taylor/*

**David Taylor**

Sole Panelist

Date: March 9, 2026