

ADMINISTRATIVE PANEL DECISION

Ovelle Limited v. Elavae EU, Elavae

Case No. D2025-4773

1. The Parties

The Complainant is Ovelle Limited, Ireland, represented by FRKelly, Ireland.

The Respondent is Elavae EU, Elavae, Ireland.

2. The Domain Name and Registrar

The disputed domain name <shopelavae.com> (the “Disputed Domain Name”) is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2025. On November 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 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 (Contact Privacy Inc. Customer 0176226271) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 19, 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 the same date.

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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2025.

The Respondent sent two informal communications on November 24 and 25, 2025, showing its intention to negotiate the transfer of the Disputed Domain Name. The Complainant was notified of these communications however, no request to suspend was received.

On December 11, 2025, the Center notified the commencement of panel appointment process.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on December 16, 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 leading skincare company which has been manufacturing their products in Ireland since 1934. The Complainant's Elave Skincare products can be purchased locally and globally from retailers and online marketplace.

The Complainant owns various word and figurative trademarks for the ELAVE mark. The relevant trademark registrations include, inter alia, the United Kingdom Registration No. UK00002369349 for ELAVE in Classes 3 and 5 registered on April 14, 2006, and the United States Trademark Registration No. 3282408 for ELAVE in Class 3 registered on August 21, 2007 (the "Complainant's Trademark").

The Disputed Domain Name was registered on September 21, 2025, many years after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint, the Disputed Domain Name resolved to a website with website header "Elavae" purportedly offering for sale silicone scar sheets branded ELAVAE. At the time of the rendering of this Decision, the Disputed Domain Name redirected to the domain name <shopelavara.com> which resolved to a website with the same layout except the website header "elavae" had been replaced with "Elavara" offering for sale the same silicone scar sheets and other skincare products (the "Respondent's Website").

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:

(a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Respondent has adopted the entirety of the Complainant's Trademark in the Disputed Domain Name while altering it slightly with the incorporation of an extra letter "a". The Disputed Domain Name comprises of a non-distinctive word "shop" followed by the dominant element "Elavae". The minor misspelling of the Complainant's Trademark causes confusion to Internet users and diverts traffic to the Respondent's Website. One of the Respondent's Instagram posts used a caption that referred to the brand of the Respondent's product as "Elavé" which clearly shows the Respondent's attempt to utilize the Complainant's reputation.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no evidence that the Respondent is commonly known by the name "Elavae". As the registrations of the Complainant's Trademark all predate the registration of the Disputed Domain Name, the Respondent has no legitimate interests or rights to the Disputed Domain Name. The Complainant has not given consent or permission to the Respondent to use the Complainant's Trademark. The Respondent has incorporated the Complainant's Trademark throughout their website and social media platforms. The Complainant has an

esteemed brand that is known globally and therefore, the Respondent should be aware of the Complainant rights when setting up the Disputed Domain Name and the Respondent's Website. As such, the Respondent's actions appear to be an attempt to capitalize on the reputation and goodwill of the Complainant's Trademark.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent attempted to divert Internet traffic and create confusion among Internet users for commercial gain. The Respondent's Website appears to list a false address and to be affiliated with an entity called "LuminovaLtd", which receives negative customer reviews online that raise concerns about its business practices.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. The Respondent sent two email communications to the Center on November 24, and 25, 2025 stating that they do not wish to contest the Complaint, and that they consent to the transfer or cancellation of the Disputed Domain Name. The Respondent also noted that they were currently in the process of transitioning to a new domain name. The Complainant did not reply to the Respondent's communication that offered to transfer or cancel the Disputed Domain Name.

6. Discussion and Findings

6.1 Preliminary issue: Respondent's consent to cancel the Disputed Domain Name

As indicated above, the Respondent has unilaterally consented to the remedy requested by the Complainant. Further to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.10, where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the "standard settlement process" described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case. However, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision, (iv) where there is ambiguity as to the scope of the respondent's consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights.

Here, the Panel notes that the Complainant did not respond to the Respondent's consent to the requested remedy of cancellation, and none of the circumstances identified in [WIPO Overview 3.0](#), section 4.10, warrant proceeding to a substantive decision based on the merits. In particular, the Respondent's Website purported to promote silicone scar sheets and other skincare products branded "ELAVAE" and the product packaging, as well as the layout and colour scheme of the Respondent's Website are visually distinct from that of the Complainant.

The Respondent has not coupled its consent to cancel the Disputed Domain Name with an express denial of bad faith, and there is no ambiguity as to the scope of the Respondent's consent or the Complainant's trademark rights in the term "ELAVE". Moreover, the Complainant has not indicated a preference for a substantive decision.

Based on these circumstances, the Panel considers it appropriate to give effect to the Respondent's consent and orders the requested cancellation of the Disputed Domain Name without addressing the merits further.

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 <shopelavae.com> be cancelled.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: December 31, 2025