

## **ADMINISTRATIVE PANEL DECISION**

Laboratoire HRA Pharma SAS v. Kellan Rhodes  
Case No. D2025-5436

### **1. The Parties**

The Complainant is Laboratoire HRA Pharma SAS, France, represented by Omega Pharma Innovation & Development NV, Belgium.

The Respondent is Kellan Rhodes, United States of America (“United States”).

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

The disputed domain name <mederma.shop> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 23, 2025. On December 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 13, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 January 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default February 10, 2026.

The Center appointed Theda König Horowicz as the sole panelist in this matter on February 12, 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 a French company which was acquired by the Perrigo Group in 2021. The Perrigo group is an over-the-counter self-care pharmaceutical enterprise conducting business on a global scale which was founded at the end of the nineteenth century in Italy.

The Complainant has been the owner of the MEDERMA trademark since several years. In particular, it is the owner of the United States trademark MEDERMA No 3233153 registered in class 5 on April 24, 2007.

The disputed domain name was registered on March 27, 2025. At the time of the filing of the Complaint it was linked to a webpage offering the disputed domain name for sale for a price of USD 1,450.00.

#### **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 names.

Notably, the Complainant contends that the disputed domain name contains its MEDERMA trademark and is therefore confusingly similar.

The Complainant further alleges that the Respondent does not have rights or legitimate interests in the disputed domain name notably since (i) he does not own trademark rights in the said names (ii) the disputed domain name reproduces the Complainant's earlier trademark MEDERMA without authorization of any kind (iii) the Respondent does not make a bona fide offering of goods or services under the disputed domain name which is offered for sale for USD 1,450.00 and (iv) the Respondent appears to be engaging in cybersquatting activities.

The Complainant finally contends that the Respondent registered and is using the disputed domain name in bad faith because he appears to be engaging in cybersquatting activities and the disputed domain name is offered for sale.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

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

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

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

In view of the Respondent's failure to submit a Response, the Panel shall decide these administrative proceedings on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See WIPO Overview of WIPO Panel Views on Select UDRP Questions, (["WIPO Overview 3.1"](#)), section 4.3.

#### **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 3.1"](#)), section 1.7.

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

The Panel finds the mark MEDERMA is entirely copied without any additions and is therefore clearly recognizable 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 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.

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.

Panels have held that domain names identical to a complainant's trademark carry a high risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1. Additionally, the Respondent's defaulted and have failed to prove that before any notice of the dispute, its use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services.

Furthermore, nothing in the case file shows that the Respondent would be commonly known by the disputed domain name or has acquired any trademark or service mark rights.

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 Respondent was obviously aware of the Complainant's trademark MEDERMA when registering the disputed domain name, since the said mark is not a common name but a name bearing a certain degree of originality. Furthermore, the MEDERMA mark is widely used on the internet by the Complainant and the Perrigo Group to which it belongs. A simple search on the internet shows indeed that MEDERMA is owned and used by the Complainant respectively by the Perrigo Group which operates a website under mederma.com. Finally, the Complainant has shown to be notably the owner of a United States trademark registration. It would have been easy for the Respondent who is purportedly based in the United States to check whether MEDERMA is a registered trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that registering without authorization domain names containing third parties trademarks and profit from its identity (in this case) or confusing similarity with the Complainant's trademark for the sole intent of selling them constitutes bad faith. [WIPO Overview 3.1](#), section 3.1.1.

It does indeed appear that the Respondent is cited in a number of UDRP cases all relating to domain names comprising third parties trademarks and the gTld "shop". It is thus likely that the Respondent operates a sort of business model where he registers trademarks of third parties with the sole intent of selling these to their rightful owners, being reminded that the disputed domain name was offered for sale for a price of USD 1,450.00.

Such pattern is established by several UDRP decisions finding that the Respondent acted in bad faith. These decisions confirm that the Respondent's likely intent here is to likewise deceive consumers by taking advantage of the Complainants' reputation and rights for the profit of the Respondent. See e.g. *Byggmax AB v. Kellan Rhodes*, WIPO Case No. [D2025-1933](#); *Skandia Brands AB v. Kellan Rhodes*, WIPO Case No. [D2025-2134](#); and *Compagnie Générale des Etablissements Michelin v. Kellan Rhodes*, WIPO Case No. [D2025-3586](#).

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 <mederma.shop> be transferred to the Complainant.

*/Theda König Horowicz/*

**Theda König Horowicz**

Sole Panelist

Date: March 9, 2026