ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
L'Oréal v. Hegavi Patrocinios, HEGAVI
Case No. D2026-0305

1. The Parties

The Complainant is L'Oréal, France, represented by Dreyfus & associés, France.

The Respondent is Hegavi Patrocinios, HEGAVI, Brazil.

2. The Domain Name and Registrar

The disputed domain name <blackdakerastase.shop> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 26, 2026. On January 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 26, 2026, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 2026, 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 January 30, 2026.

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 February 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 25, 2026.

The Center appointed Christelle Vaval as the sole panelist in this matter on March 2, 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 well-known French industrial group specialized in the field of cosmetics that owns over 37 brands and employs 88,000 employees in 150 jurisdictions.

The Complainant uses the trademark KERASTASE, a premium luxury haircare brand with a worldwide reputation. The Complainant owns trademark registrations for the KERASTASE trademark in multiple jurisdictions, including:

- International trademark registration No. 283650, registered on May 15, 1964; and
- United States of America registration No. 7161652, registered on September 12, 2023.

The Complainant owns the domain name <kerastase.fr>.

The disputed domain name was registered on November 15, 2025. The Complainant has provided evidence that the disputed domain name resolved to a website that features the Complainant's KERASTASE trademark and seemingly offering the Complainant's products.

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 its KERASTASE trademark by incorporating it in its entirety. According to the Complainant, the mere addition of the generic terms "black" and "da" does not dispel confusion;

- The Respondent has no rights or legitimate interest in the disputed domain name. The disputed domain name resolves to a website that reproduces the Complainant's trademark and visuals from the Complainant's official website and offers multiple cosmetic products that are likely counterfeit and directly compete with the Complainant's products. The website associated with the disputed domain name also follows a phishing warning page; and

- The disputed domain name was registered and is being used in bad faith. The Respondent knew or should have known of the Complainant's trademark rights, and the disputed domain name website displays the Complainant's logo and offers the Complainant's alleged products for sale without authorization.

B. Respondent

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

6. Discussion and Findings

Under Paragraph 4(a) of the Policy, the Panel must find the three conditions satisfied to transfer the disputed domain name:

(i) The disputed domain name is identical or confusingly similar to the Complainant's trademark; and
(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 Complainant has shown rights in respect of a trademark or service mark 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 confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "black" and "da" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

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.

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 the use of a domain name for illegal activity, here, impersonation/passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Respondent's use of the disputed domain name cannot qualify as a bona fide offering of goods or services. The record indicates that the disputed domain name is being used for a website reproducing the Complainant's trademark, logo, and official website visuals, and offering the Complainant's alleged KERASTASE products for sale in a manner designed to suggest an official or authorized online store.

Additionally, there is no evidence that the Respondent has been commonly known by the disputed domain name.

Finally, the record does not indicate any legitimate noncommercial or fair use of the disputed domain name. To the contrary, the disputed domain name resolved to an online store that might mislead Internet users into believing it is affiliated with, endorsed by, or operated on behalf of the Complainant. The Panel further notes that the Complainant's products associated with its KERASTASE trademark are sold through selective distribution channels, and according to the Complainant, the Respondent is not an official reseller.

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 knew or should have known about the Complainant's rights over the KERASTASE trademark when registering the disputed domain name. The disputed domain name was used to operate a website that purported to be an official or authorized online store of the Complainant.

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 the use of a domain name for illegal activity here, impersonation/passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

By reproducing the Complaint's trademark, logo, and branding in order to sell purported Complainant-branded products, without authorization and impersonating the Complainant or at least purporting to be an authorized reseller, the Panel notes that the Respondent is attempting to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

Additionally, the phishing warning page associated with the disputed domain name further supports the disputed domain name's bad-faith use.

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 <blackdakerastase.shop> be transferred to the Complainant.

/Christelle Vaval/
Christelle Vaval
Sole Panelist
Date: March 16, 2025