ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Emeis Cosmetics Pty Ltd (trading as Aesop), L'Oréal v. Tom Jerry
Case No. D2026-0470

1. The Parties

The Complainant is Emeis Cosmetics Pty Ltd (trading as Aesop), L'Oréal, Australia, represented by Dreyfus & Associés, France.

The Respondent is Tom Jerry, United States of America.

2. The Domain Name and Registrar

The disputed domain name <aesopjp.com> 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 February 4, 2026. On February 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 February 9, 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 10, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was March 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 4, 2026.

The Center appointed Ada L. Redondo Aguilera as the sole panelist in this matter on March 10, 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 Complainants in this procedure are Emeis Cosmetics Pty Ltd (trading as Aesop), an Australian industrial group specialized in the field of cosmetics and beauty, and L'Oréal, one of the world's leading beauty players with a broad portfolio of 36 international brands (hereafter the "Complainant"). Emeis Cosmetics Pty Ltd was founded in Melbourne in 1987, and L'Oréal completed the acquisition of the distinctive luxury beauty brand, Aesop, on April 3, 2023.

The Complainant is the owner of the AESOP trademark and holds registrations worldwide, including the following:

- International trademark AESOP with registration number 1033291, registered on March 12, 2010, duly renewed, and covering services in class 35, designating various countries.

- International trademark AESOP with registration number 1315608, registered on July 5, 2016, and covering goods and services in classes 8, 21, and 44, designating inter alia the United States of America.

- International trademark AĒSOP No. 1769295, registered on August 19, 2023, and covering goods and services in classes 9, 35, 41, and 42, designating inter alia the United States of America, and Japan.

The Complainant registered the domain name <aesop.com> on October 12, 1998, which displays their official website.

The disputed domain name was registered on December 10, 2025.

The available evidence suggests that the use of the disputed domain name has changed over time, including periods in which it was used in connection with products associated with the Complainant's mark, and other periods in which it was redirected to unrelated commercial websites.

At the time of this decision, the evidence shows that the disputed domain name resolves to a Japanese-language commercial website offering clothing products under the name "17kira". The website is unrelated to the Complainant. Also, there is evidence that email servers have been configured for the disputed domain name, creating a risk of phishing or fraudulent use.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the three elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name incorporates the trademark AESOP in its entirety.

The Complainant asserts that the Respondent has no rights or legitimate interests regarding the disputed domain name. According to the Complainant, it has never licensed or consented to the registration or use of the disputed domain name and, to the best of its knowledge and belief, none of the circumstances listed in paragraph 4(c) of the Policy applies. The Complainant further alleged that the Respondent registered and is

using the disputed domain name in bad faith. The Complainant requests the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant must prove that:

(i) the disputed domain name is identical or confusingly similar to a trademark 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 has been 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 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. The addition of the letters "jp" does not prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7 and section 1.8.

Furthermore, the Panel finds that the generic Top-Level Domain ("gTLD") in the present case, ".com", may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. WIPO Overview 3.1, section 1.11.1
The Panel finds that 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 with the second element. WIPO Overview 3.1, section 2.1.

According to section 2.1 of the WIPO Overview 3.1, once the Complainant establishes a prima facie case, the burden shifts to the Respondent. The Respondent has failed to rebut this case.
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 that there is no evidence that:

- The Respondent is commonly known by the name "aesop" or the disputed domain name;
- The Respondent was authorized to use the trademark for any purposes, including the registration of the disputed domain name; or
- The use constitutes a bona fide offering of goods or services;

The Panel further notes that the use of the disputed domain name has not been consistent but rather has followed a pattern of changing content. According to the evidence on record, the disputed domain name has been used: (i) to redirect to a Japanese-language website offering clothing products; (ii) at a certain point, in connection with a website offering products associated with the Complainant's AESOP mark; and (iii) subsequently, again to redirect to a third-party clothing website.

In the Panel's view, such a pattern of use is indicative of an opportunistic approach to the disputed domain name, rather than any genuine or legitimate activity. In particular, the prior use of the disputed domain name in connection with the Complainant's trademark undermines any claim to a bona fide offering of goods or services, while the subsequent redirection to unrelated commercial content further confirms that the Respondent is merely exploiting the disputed domain name to divert Internet traffic.

Panels have consistently held that such inconsistent and opportunistic use of a domain name does not confer rights or legitimate interests under the Policy. See WIPO Overview 3.1, sections 2.5.1 and 2.13.

The shifting nature of the Respondent's use further suggests that the disputed domain name has been used as a flexible vehicle to capture Internet traffic associated with the Complainant's mark, rather than for any legitimate independent purpose.

In the absence of any Response or evidence to the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel finds that 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, 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 Complainant's trademark rights predate the registration of the disputed domain name. Given the distinctiveness and international reputation of the AESOP trademark, the Panel finds it implausible that the Respondent was unaware of the Complainant's rights at the time of registration. The Panel finds that the deliberate incorporation of the AESOP trademark, together with the geographical term "jp", demonstrates clear targeting of the Complainant's trademarks and its markets.

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.

The Panel finds that the Respondent's use of the disputed domain name resolves to a commercial website offering unrelated goods. This constitutes a classic example of diversion of Internet traffic.

The Panel finds that the Respondent is intentionally attempting to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website.

Such conduct falls squarely within paragraph 4(b)(iv) of the Policy. As noted in section 3.1.4 of the WIPO Overview 3.1, the use of a domain name to impersonate or falsely suggest affiliation with a complainant constitutes evidence of bad faith.

Furthermore, the Panel finds that the configuration of email servers associated with the disputed domain name may indicate a risk of phishing or other fraudulent activity, which reinforces the finding of bad faith. Panels have consistently found that the use of a domain name to redirect users to unrelated commercial websites constitutes evidence of bad faith (WIPO Overview 3.1, section 3.1.4)

The Complainant has provided evidence indicating that, at a prior point in time, the disputed domain name was used in connection with a website offering products associated with the Complainant's AESOP trademark.

The Panel considers this evidence particularly relevant, as it demonstrates that the Respondent was aware of the Complainant and its trademark at the time of use of the disputed domain name, and intentionally sought to capitalize on its goodwill.

Although the disputed domain name currently redirects to a third-party website offering unrelated clothing products in Japanese, such change in use does not prevent a finding of bad faith.

Panels have consistently found that the assessment of bad faith may consider the Respondent's prior use of the domain name, and that subsequent changes in content may further support an inference of bad faith, particularly where they suggest an attempt to evade liability (see WIPO Overview 3.1, section 3.2.1).

In the present case, the Panel finds that the Respondent has used the disputed domain name both to target the Complainant's mark and to divert Internet users to unrelated commercial websites, thereby satisfying the requirements of paragraph 4(b)(iv) of the Policy.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the Disputed Domain Name constitute 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 <aesopjp.com> be transferred to the Complainant.

/Ada L. Redondo Aguilera/
Ada L. Redondo Aguilera
Sole Panelist
Date: March 23, 2026