

ADMINISTRATIVE PANEL DECISION

The Personal Care Products Council v. Niklas Akesson Case No. D2026-0932

1. The Parties

The Complainant is The Personal Care Products Council, United States of America ("United States"), represented by Cozen O'Connor, United States.

The Respondent is Niklas Akesson, Sweden, self-represented.

2. The Domain Name and Registrar

The disputed domain name <incichecker.com> (the "Disputed Domain Name") is registered with CloudFlare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 4, 2026. On March 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 6, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 9, 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 March 10, 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 March 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2026. The Respondent sent email communications to the Center on March 9, 10, and 12, 2026, the Center sent an email to the Parties regarding possible settlement on March 12, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on April 13, 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 United States' national trade association founded in 1894 representing cosmetics and personal care product companies and serving as the United States' voice on scientific, legal, regulatory, legislative and international issues for the USD 484.1 billion global industry. The Complainant cites United States Registration No. 7160682 registered on September 12, 2023 for the word INCI in classes 35, 42, and 45 which it uses for in connection with its internationally recognized naming convention to identify cosmetic ingredients.

The Complainant displays information about its INCI branded nomenclature system on the Internet at "personalcarecouncil.org/resources/inci/".

The Disputed Domain Name was registered on February 13, 2025. It was used to host an unauthorized website with a search function that displays the words "Cosmetics Ingredients Decoder", "Analyze the ingredients of your favorite skincare and cosmetics products. Use the search bar below to quickly discover the ingredients" and that also displays cosmetic products for sale. The Disputed Domain Name currently does not resolve to an active 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 cites its trademark registration for the mark INCI, as prima facie evidence of ownership.

The Complainant submits that its rights in the mark INCI predate the Respondent's registration of the Disputed Domain Name, citing a first use date in 1971. It submits that the Disputed Domain Name is confusingly similar to its trademark, because the Disputed Domain Name is comprised of the INCI trademark and that the addition of the hyphen and the word "checker" and the generic Top-Level Domain (gTLD) ".com" is not sufficient to avoid the confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because "[the] Respondent is not affiliated with [the] Complainant", and that the "Complainant has not authorized, licensed, or endorsed Respondent's use of Complainant's INCI Mark in the Disputed Domain [Name]". The Complainant submits that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to evidence that points to knowledge of the Complainant and its trademarks. On the issue of registration in bad faith the Complainant submits that the "Respondent clearly had Complainant in mind when registering the Disputed Domain [Name]", and submits that "[t]he INCI Mark is well known around the world in connection with Complainant and its related nomenclature services". On the issue of bad faith use, the Complainant submits that "the Disputed Domain [Name] resolves to a website that offers identical services to Complainant's INCI cosmetic ingredient nomenclature services and suggests an affiliation with Complainant", and that this combined with the Respondent's use of a privacy service, amounts to use in bad faith.

B. Respondent

The Respondent did not reply substantively to the Complainant's contentions but sent four communications to the Center. The March 9, 2026 email stated: "I'm sorry but what exactly is this? Lots of text but can't understand what you are trying to convey. What complaint?"

The first March 10, 2026 email stated: "I'm going to have to request that you verify that you are in fact Wipo and not a scammer spoofing the email header. No further communication will be done before that. I will also delete everything online that has to do with the domain incichecker.com."

The second March 10, 2026 email stated: "I'm sorry but I still have no idea what you are talking about. Is it a complaint over using inci in the domain name? Just tell me and I'll take it offline, no need to drag on forever with cryptic communication."

The April 14, 2026 email stated: "I would like to inform you that the domain in question expired on February 14, 2026 and is due to drop entirely within the next week after the grace period is over. Here is a screenshot to prove it."

Against this, on April 8, 2026 the Registrar sent an email to the Center that included the statement: "The expiry date of the disputed domain name <incichecker.com> is Feb 13, 2027."

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) that 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 relatively straightforward comparison between the Complainant's trademark and the Disputed Domain Name. See 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 a trademark or service mark for the purposes of the Policy. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any country. [WIPO Overview 3.1](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark INCI.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the INCI trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark INCI; (b) followed by the word "checker"; (c) followed by the generic Top-Level Domain ("gTLD") ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "incichecker".

The Panel finds the mark is recognizable within the Disputed Domain Name. Accordingly, the Panel finds that 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, “checker” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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 Disputed 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.

The Panel notes that the Complainant has not licensed or otherwise authorized the Respondent to use its trademark and that there is no relationship between the Complainant and the Respondent, let alone any accurate or prominent disclosure of that relationship, or absence of such, on its website. The use of the Complainant’s trademark and similarity of the parties respective nomenclature services together with the cosmetic products displayed on the Respondent’s website suggests that the Respondent has targeted the Complainant. The Panel finds that the Respondent’s activities do not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the substantial reputation and goodwill of the Complainant’s mark or capacity to otherwise mislead Internet users. Moreover, the Panel notes that the Respondent has participated in this proceeding, but has not put forward any explanation for registering the Disputed Domain Name or claims of rights or legitimate interests.

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.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the Complainant's distinctive trademark, the Panel is satisfied that the Respondent deliberately targeted the Complainant's trademark INCI when it registered the Disputed Domain Name.

This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant's trademark. [WIPO Overview 3.1](#), section 3.1.4.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name was used to host a website that displays cosmetics nomenclature search function plainly referencing that of the Complainant's legitimate website, and offering cosmetic products for sale.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The evidence also shows that the Disputed Domain Names do not currently resolve to an active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement). Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes the Complainant's distinctive INCI trademark, the composition of the Disputed Domain Name, and the Respondent's failure to provide any evidence of actual or contemplated good-faith use and finds that in the circumstances of this case the subsequent passive holding of the Disputed Domain Name does not prevent a further finding of 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 <incichecker.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: April 21, 2026