ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Deciem Beauty Group Inc. v. Ariana Cruz, Hazecase
Case No. D2026-1741

1. The Parties

The Complainant is Deciem Beauty Group Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Ariana Cruz, Hazecase, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <theordinarybottle.com> 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 April 23, 2026. On April 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Contact Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 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 amendment to the Complaint on May 4, 2026.

The Center verified that the Complaint together with the amendment to 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 May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2026.

The Center appointed Steven A. Maier as the sole panelist in this matter on June 5, 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 company registered in Canada. It is a supplier of skin care and beauty products under the brand name and trademark THE ORDINARY.

The Complainant is the owner of numerous registrations for, or incorporating, the mark THE ORDINARY in various jurisdictions around the world. Those registrations include, for example:

- Canada trademark registration number TMA1014737 for the word mark THE ORDINARY, registered on February 7, 2019 in International Class 3

- United States trademark registration number 5911550 for the word mark THE ORDINARY, registered on November 19, 2019 in International Classes 35 and 44; and

- Brazil trademark registration number 501601454 for the combined mark depicted below (the “Complainant’s Logo”), registered on January 17, 2023 in International Classes 3, 35 and 44.

The
Ordinary.

The Complainant is the owner of further registrations comprising the Complainant’s Logo in jurisdictions including the Philippines, Indonesia and Peru.

The Complainant operates a website at “www.theordinary.com”. One of the products featured on that website is a skin hydration product named Hyaluronic Acid, which is offered in a serum-style bottle featuring the Complainant’s Logo and the tagline “Clinical Formulations with Integrity”.

The disputed domain name was registered on April 17, 2026.

As of April 22, 2026, the disputed domain name resolved to a website offering a product named “Ordinary Water Bottle” for sale online. The product image showed a product which was highly similar in appearance to the Complainant’s product referred to above, including a similarly-shaped bottle featuring the Complainant’s Logo and the tagline “Clinical Formulations with Integrity”.

The disputed domain name ceased to resolve to any active website on a date on or before May 6, 2026.

5. Parties’ Contentions

A. Complainant

The Complainant submits that it was launched in 2013 and has enjoyed unprecedented global success and notoriety since that time. It states that it is widely recognized as an innovator, with products focused on advanced functional beauty. The Complainant submits that its overall sales under the THE ORDINARY brand alone have been in excess of USD 1 billion globally.

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

The Complainant submits that the disputed domain name is confusingly similar to its THE ORDINARY trademark. It contends that the disputed domain name wholly appropriates that mark, together with the addition of the descriptive or non-distinctive term “bottle”, which does nothing to diminish the likelihood of confusion between the disputed domain name and its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its THE ORDINARY trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain name. The Complainant contends that, instead, the Respondent is using the disputed domain name to trade off the Complainant’s notoriety by passing off its products as being authorized by the Complainant.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It contends that the purpose of the registration was to piggyback on the goodwill associated with the THE ORDINARY trademark, and misleadingly to suggest a legitimate connection with the Complainant and its products. The Complainant states that it does not itself offer any water bottle product (so that the item in question cannot be genuine), and that the Respondent is attempting, for commercial gain, to dupe Internet users into believing that its water bottle is associated with, or duly authorized by, the Complainant.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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

The Complainant has established that it is the owner of registered trademark rights in the mark THE ORDINARY. The disputed domain name wholly incorporates that trademark, together with the dictionary word “bottle”, which does not prevent the Complainant’s trademark from being recognizable within the disputed domain name. The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

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 of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 2.1.

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding, and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. The Panel finds, moreover, that the Respondent registered and has used the disputed domain name for the purpose of passing off its water bottle product as emanating from the Complainant, which misleading activity cannot give rise to rights or legitimate interests on the Respondent's part.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name incorporates the Complainant's widely-known THE ORDINARY trademark in its entirety, therefore immediately creating a risk of confusion with the Complainant and its products in the minds of Internet users.

Moreover, based on the Respondent's use of the disputed domain name, it is evident to the Panel that the Respondent both registered and has used the disputed domain name in order to take unfair advantage of the Complainant's commercial goodwill. The Respondent's water bottle, as featured on its website at the disputed domain name, is highly similar in appearance to the Complainant's Hyaluronic Acid product, including the bottle shape, and the label featuring the Complainant's logo and its "Clinical Formulations with Integrity" tagline. There can be no substantial doubt, therefore, that the Respondent established and has used its website located at the disputed domain name to pass off its water bottle product as emanating from the Complainant, in an attempt to benefit from the reputation and prestige of the Complainant's trademark and brand.

The Panel finds, therefore, that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Respondent's apparent withdrawal of its website following the commencement of this proceeding is a further indicator of bad faith in the Panel's view.

The Panel therefore concludes that the disputed domain name has been registered and is being used in bad faith.

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 <theordinarybottle.com> be transferred to the Complainant.

/Steven A. Maier/
Steven A. Maier
Sole Panelist
Date: June 19, 2026