ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Wella International Operations Switzerland Sàrl v. marcos antonio Almeida, Erick Xavier Peixoto, Xuan Thuy, suelen maria, and fdasfad asdfasdf, hawks
Case No. D2026-1792

1. The Parties

The Complainant is Wella International Operations Switzerland Sàrl, Switzerland, represented by Studio Barbero S.p.A., Italy.

The Respondents are marcos antonio Almeida, Brazil, Erick Xavier Peixoto, Brazil, Xuan Thuy, Brazil, suelen maria, Brazil, and fdasfad asdfasdf, hawks, Brazil.

2. The Domain Names and Registrar

The disputed domain names <wella-brasil.shop>, <wellabrasil.shop>, <wellacosmeticos.store>, <wellaoficial.online> and <wellaoficial.store> (the “Domain Names”) are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 27, 2026. On April 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 29, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Names 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 April 29, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. The Complainant filed an amendment to the Complaint on April 29, 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 Respondents of the Complaint, and the proceedings commenced on May 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 22, 2026.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 1, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a beauty company that offers hair, nails and beauty products globally, with a history of more than 140 years. Today, Complainant employs over 6,000 people across more than 100 countries. The Complainant's portfolio of brands is No. 1 in Professional Hair Care in Brazil, where the Respondents are reportedly situated.

The Complainant is the owner of multiple trademark registrations for WELLA in different jurisdictions, such as International trademark registration number 1025986 (registered on June 10, 2009), and Brazilian Trademark Registration No. 816733813 (registered on November 3, 1993).

The Complainant has also registered several domain names containing its trademark WELLA, including <wella.com> (registered in 1996) and operates the website "www.wella.com" for global promotion of its WELLA brand.

The Domain Names have been registered in the period between February 18 and March 22, 2026. The Complainant has documented that the Domain Names have resolved to seemingly identical websites in Portuguese language displaying the Complainant's WELLA trademark and offering purported WELLA products for sale at discounted prices. At the time of the Decision, the Domain Names resolved to similar error pages.

5. Parties' Contentions

A. Complainant

The Complainant argues that the Domain Names are under common control of the same person or entity. The Domain Names have been registered in the name of the same shield company. There are close similarities among the Domain Names, as they incorporate the Complainant's trademark with a generic or geographical term added. The Domain Names have all been used for the same purpose in connection with websites with identical layout in Portuguese language displaying the WELLA trademark and offering purported WELLA products for sale at discounted prices. All listed registrations have listed Brazil as the registrant's country of residence, and the contact details are incomplete.

The Complainant documents registered trademark rights in WELLA. The Domain Names incorporate the Complainant's trademark. The Domain Names differ from the trademark by the addition of the terms "brasil", "oficial", "cosmeticos" and a hyphen. The Complainant argues that the additions do not prevent a finding of confusing similarity between the Domain Names and the trademark for the purposes of the Policy.

The Complainant argues that the Respondents have no rights or legitimate interests in respect of the Domain Names. The Complainant has not licensed or authorized the Respondents to use its trademark. The Respondents have not been commonly known by the Domain Names. There is no evidence showing that the Respondents have been using, or preparing to use, the Domain Names in connection with a bona fide offering or made a legitimate noncommercial or fair use of the Domain Names. The Respondents' use cannot be considered a bona fide offering of goods or services or a legitimate noncommercial or fair use, because the Respondents had been undoubtedly attempting to gain from the offer for sale of the products advertised on their websites, by free-riding the well-known character of the Complainant's trademark and causing confusion as to the source or affiliation of their websites and the products offered for sale therein. The Respondents do not meet the conditions set forth in the "Oki Data test" for a reseller to make a bona fide offering of goods or services and thus have a legitimate interest in such domain names, since the Respondents had failed to accurately and prominently disclose their lack of relationship with the trademark holder and had published content apt to reinforce the impression of an association with the Complainant. The current redirection of the Domain Names to error pages does not change this. The passive holding of the Domain Names does not constitute a legitimate noncommercial or fair use. In addition, the Domain Names incorporating the well-known trademark WELLA with the addition of the terms "brasil", "oficial" and "cosmeticos", carry a high risk of implied affiliation with the Complainant.

The Complainant argues that its trademarks are well known. The Respondents knew of the existence of Complainant. The fact that the WELLA trademark was displayed on the Respondents' websites, where purported WELLA products were offered for sale, indicates that the Respondents were actually aware of the Complainant and its trademarks. The Respondents not only failed to provide any disclaimer of non-affiliation with the Complainant but actively impersonated the Complainant. Moreover, the registration of a domain name that is confusingly similar to a widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. As to the current redirection of the Domain Names to error pages, the concept of "bad faith use" includes not only positive action but also passive holding. In the case at hand, in view of i) the confusing similarity of the Domain Names with the Complainant's well-known trademark, ii) the Respondents' lack of any right or legitimate interests in the Domain Names, iii) the Respondents' failure to provide their name and contact details on the websites to which the Domain Names redirected and iv) the implausibility of any good faith use to which the Domain Names may be put, the Respondent's passive holding should not prevent a finding of bad faith use.

B. Respondents

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

6. Discussion and Findings

6.1. Consolidation

The Complaint was filed in relation to nominally different domain name registrants. The Complainant argues that the domain name registrants are the same entity or under common control. The Complainant requests consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

As regards the common control, the Panel notes that the Domain Names were registered within a short time span with the same Registrar. The registrants have listed incomplete contact details, and there are similarities within the contact details. All Domain Names are similar in structure. Importantly, the Domain Names have been used for the same purpose and for nearly identical websites, offering unauthorized sale of the Complainant's products. Several Domain Names websites displays the same contact email address. This points to the fact that the Domain Names are under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The different domain name registrants have not objected to the Complainant's consolidation request.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to as "the Respondent") in a single proceeding.

6.2. Substantive Issues

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. See WIPO Overview 3.1, section 1.7.

The Complainant has established registered trademark rights in WELLA. The Domain Names incorporate the Complainant's trademark, with the additions of "brasil", "oficial", "cosmeticos" and/or a hyphen. The additions do not prevent a finding of confusing similarity between the Domain Names and the trademark. For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the Top-Level Domains. See WIPO Overview 3.1, section 1.11.

Based on the available record, 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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See WIPO Overview 3.1, section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names. The Respondent is not affiliated with or related to the Complainant. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or names corresponding to the Domain Names in connection with a bona fide offering of goods or services. The Respondent does not meet the conditions for an unauthorized reseller to be making a bona fide offering of goods or services.

Moreover, the composition of the Domain Names carries a risk of implied affiliation. WIPO Overview 3.1, section 2.5.1.

Based on the available record, 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.

The composition and use of the Domain Names prove that the Respondent was aware of the Complainant when the Respondent registered them. The use of the Domain Names for unauthorized sale of the Complainant's products, without disclosing the Respondent's s lack of relationship with the trademark owner, is clear evidence of bad faith under the Policy.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy.

The third element of the Policy has been established.

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 Domain Names <wella-brasil.shop>, <wellabrasil.shop>, <wellacosmeticos.store>, <wellaoficial.online> and <wellaoficial.store> be transferred to the Complainant.

/Mathias Lilleengen/
Mathias Lilleengen
Sole Panelist
Date: June 15, 2026