ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Emeis Cosmetics Pty Ltd (trading as Aesop), L'Oréal v. ceng ju ying
Case No. D2026-2653

1. The Parties

The Complainants are Emeis Cosmetics Pty Ltd (trading as Aesop), Australia (the "First Complainant"); and L'Oréal, France (the "Second Complainant"), represented by Dreyfus & associés, France.

The Respondent is ceng ju ying, China.

2. The Domain Name and Registrar

The disputed domain name <aesoplogin.com> is registered with Gname 090 Inc (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 18, 2026. On June 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 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 (Not disclosed) and contact information in the Complaint. The Center sent an email communication to the Complainants on June 19, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on June 22, 2026.

On June 22, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On June 22, 2026, the Complainants confirmed their request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainants' submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on June 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 17, 2026.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on July 22, 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 First Complainant, an Australian industrial group specialized in the field of cosmetics and beauty, is part of the Second Complainant's Luxury Division. Since its founding in Melbourne in 1987, its range of products now extends from skincare, haircare, and body-care to accessories and fragrances for the person and home. The Second Complainant, for over 110 years, being one of the world's leading beauty players with the broad portfolio of 36 international brands and 87,400 committed employees, has completed the acquisition of beauty brand, AESOP, in accordance with terms announced on April 3, 2023. The First Complainant has rapidly expanded its physical footprint in China, where the Respondent is allegedly located, operating roughly 21 stores nationwide.

The First and Second Complainant are part of each other's corporate group and therefore have common grievances and legal arguments in this proceeding and will hereafter be jointly referred to by the Panel as the "Complainant".

The Complainant owns an international portfolio of trademark registrations for AESOP, including, but not limited to the following trademark registrations: International Trademark Registration No. 1033291, dated March 12, 2010 for the mark AĒSOP, designating inter alia the European Union and China; and International Trademark Registration No. 1315608, dated July 5, 2016, for the mark AESOP, designating inter alia the European Union, and China. The Complainant also owns a portfolio of domain names incorporating the AESOP marks, including the domain name <aesop.com>.

The disputed domain name was registered on May 11, 2026, and directs to a website purportedly offering mainly betting and gambling services.

Before starting the present proceeding, the Complainant made efforts to resolve this matter amicably by sending notifications to the Registrar and hosting provider, to which it did not receive satisfactory responses.

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 the Complainant's AESOP trademarks, as it incorporates the trademark in its entirety together with the additional term "login", which the Complainant submits further reinforces the risk of confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent is neither affiliated with nor authorized by the Complainant to use the AESOP trademarks, and there is no evidence that the Respondent has been commonly known by the disputed domain name. The Complainant also submits that the disputed domain name has been used in connection with a website offering gambling-related content by reference of the Complainant's trademarks, which the Complainant contends cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Complainant also contends that the disputed domain name causes implied affiliation due to its nature and it consisting only of the AESOP trademark and the word "login".

The Complainant contends that the disputed domain name was registered and is being used in bad faith, as it was registered long after the Complainant had established trademark rights in AESOP and after the Complainant's products had become well known. The Complainant submits that the Respondent was necessarily aware of the Complainant and its trademark rights when registering the disputed domain name, particularly as the disputed domain name incorporates the AESOP trademark in its entirety and was allegedly used in connection with gambling-related content. The Complainant further contends that the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered thereon.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant is located in Australia and France and has no knowledge of Chinese, that adopting Chinese as the language of the proceeding would lead to undue delays and costs, that the disputed domain name includes only Latin characters, which, it argues, strongly suggests that Respondent has knowledge of languages other than Chinese and that English is the primary language for international relations and it is one of the working languages of the Center.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Decision on the Merits

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 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 another term here, "login", 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 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.

The Panel notes that the Complainant has not licensed, authorized, or otherwise permitted the Respondent to use its AESOP trademark or to register a domain name incorporating a variation of that trademark. There is also no evidence that the Respondent is licensed by, affiliated with, or otherwise has any relationship with the Complainant or that the Respondent is commonly known by the disputed domain name. Additionally, the record contains no indications of demonstrable preparations by the Respondent to use the disputed domain name in connection with a bona fide offering of goods or services. Instead, the evidence shows that the disputed domain name is used to exploit the reputation of the AESOP trademark to attract Internet users to a betting and gambling website for commercial gain. Such conduct by the Respondent cannot constitute a bona fide offering of goods or services under the disputed domain name.

Finally, the Panel also finds that the nature of the disputed domain name, incorporating the Complainant's trademark in its entirety and combining it with the word "login", carries a risk of implied affiliation and cannot constitute fair use, as it effectively suggests that the website at the disputed domain name may be a website where the Complainant's customers can log in to their account (see WIPO Overview 3.1, section 2.5.1).

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In the present case, the Panel notes that the Respondent has registered a domain name which incorporates the Complainant's AESOP trademark in its entirety, together with the term "login", which seems to suggest that the website at the disputed domain name is a website where the Complainant's customers can log in to their account. The Panel further notes that the Complainant's trademark registrations predate the registration of the disputed domain name on May 11, 2026, by over a decade. In the Panel's view, even a cursory Internet or trademark search at the time of registration of the disputed domain name would have revealed the Complainant's longstanding rights in the AESOP trademarks and their intensive use, including in China where the Respondent is purportedly located. In the circumstances of this case, the Panel finds that the Respondent was, or should have been, aware of the Complainant and its prior trademark rights when registering the disputed domain name, which supports a finding of bad faith registration.

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 notes that the disputed domain name has been used in connection with a website purportedly offering betting and gambling-related content and services. Such use amounts to an attempt to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's AESOP trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which constitutes direct evidence of bad faith under paragraph 4(b)(iv) of 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 <aesoplogin.com> be transferred to the Complainant.

/Deanna Wong Wai Man/
Deanna Wong Wai Man
Sole Panelist
Date: August 4, 2026