ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
NM Beauty Industries B.V. v. herz weber
Case No. D2026-4067

1. The Parties

The Complainant is NM Beauty Industries B.V., Netherlands (Kingdom of the), represented by de Merkplaats B.V., Netherlands (Kingdom of the).

The Respondent is herz weber, Germany.

2. The Domain Names and Registrar

The disputed domain names <gisouau.com> and <gisouca.com> (the "Domain Names") are registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 10, 2026. On September 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On September 14, 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 15, 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 amended Complaints on September 21, 2026, and September 30, 2026.

The Center verified that the Complaint together with the amended Complaints 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 October 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 26, 2026.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 3, 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 owns trademark registrations that consist of or include GISOU, for example European Union trademark number 014173983 (registered on September 30, 2015). The Complainant has used the trademarks in conjunction with the production and sale of hair care products and other cosmetics. The Complainant has registered and used the domain name <gisou.com> since February 8, 2000.

The Domain Names were registered on May 20, 2026. The Complainant documents that the Domain Names have resolved to a website that uses the Complainant's logo, name and pictures in imitating the Complainant's webpage.

5. Parties' Contentions

A. Complainant

The Complainant argues that the Domain Names are almost identical to the Complainant's trademark, as the Domain Names consist of "gisou" plus the country extensions for Canada "ca" and Australia "au" respectively.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Respondent has not been commonly known by the Domain Names, has no trademark rights and is not making a legitimate use of the domain names. The Respondent is misleading consumers and is trying to gain from the Complainant's reputation. The Respondent has registered the Domain Names precisely because it believed that the Domain Names are confusingly similar to the Complainant's trademarks.

The Complainant argues that the Respondent is intentionally creating a likelihood of confusion with the Complainant and its trademark for the Respondent's commercial gain. It is supported by the Respondent's use of the Complainant's logo, name and pictures.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has established registered trademark rights in GISOU. The Domain Names incorporate the Complainant's trademark, plus the country extensions "ca" for Canada and "au" for Australia, respectively. 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 disregard the Top-Level Domains. See WIPO Overview 3.1, section 1.11.1.

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 the Domain Names or names corresponding to the Domain Names in connection with a bona fide offering of goods or services. The Respondent's use, as described above, is evidence of bad faith, see below.
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 strongly indicate that the Respondent was aware of the Complainant when the Respondent registered them. By using the Domain Names as described above, the Respondent is intentionally creating a likelihood of confusion with the Complainant and its trademark for the Respondent's commercial gain.

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 the Domain Names <gisouau.com> and <gisouca.com> be transferred to the Complainant.

/Mathias Lilleengen/
Mathias Lilleengen
Sole Panelist
Date: November 13, 2026