

Decision for dispute CAC-UDRP-105646

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| Case number | CAC-UDRP-105646 |
| Time of filing | 2023-07-21 08:42:35 |
| Domain names | bioderma-recruitment.com |

Case administrator

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|------|-----------------------------|
| Name | Olga Dvořáková (Case admin) |
|------|-----------------------------|

Complainant

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| Organization | NAOS |
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Complainant representative

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| Organization | NAMESHIELD S.A.S. |
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Respondent

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| Organization | muhan mkkll |
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OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the international trademark BIODERMA, registered on March 19, 1963 (Reg. No. 267207), in class 3.

FACTUAL BACKGROUND

NAOS (the "Complainant") is the owner of the international trademark BIODERMA, registered on March 19, 1963 (Reg. No. 267207), in class 3.

The Complainant also owns other international trademarks BIODERMA and the domain name <bioderma.com> (registered on September 25, 1997).

The Complainant is globally known for its brand BIODERMA and is a major player in skincare. Ranked among the top 10 independent beauty companies, NAOS employs more than 3,100 employees located around the world and has 48 subsidiaries and long-term partnerships with local distributors. The Complainant sells its products under the name BIODERMA in more than 130 countries.

The disputed domain name <bioderma-recruitment.com> was registered on July 12, 2023.

PARTIES CONTENTIONS

The Complainant submits that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

In view of all of the above, the Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel agrees with the Complainant that the disputed domain name is confusingly similar to the Complainant's trademark BODERMA. The Complainant's trademark is included to the disputed domain name in its entirety. The addition of the term "recruitment" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark (see WIPO Overview 3.0, section 1.8). On the contrary, the addition of the generic word "recruitment" increases the likelihood of confusion with the Complainant's trademark, because it refers to the Complainant's human resources activities related to its business.

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted Respondent to use Complainant's trademark in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner. Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent meant Complainant's trademark BODERMA, when he/she registered the disputed domain name <bioderma-recruitment.com> (see WIPO Overview 3.0, para. 3.1.3 and 3.2). Previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name was used as a website displaying a job offer on behalf of the Complainant's group and trademarks. This website did not contain any information about the Respondent. Therefore, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his/her website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of his websites (para. 4(b)(iv) of the Policy). Therefore, the Respondent can collect personal information through this website and use it for such schemes like phishing, etc. Obviously, this activity shows that the Respondent has not only registered but also used the disputed domain name <bioderma-recruitment.com> in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **bioderma-recruitment.com**: Transferred
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PANELLISTS

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| Name | Darius Sauliūnas |
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DATE OF PANEL DECISION **2023-08-27**

Publish the Decision
