Decision for dispute CAC-UDRP-106931

Case number	CAC-UDRP-106931
Time of filing	2024-10-11 09:06:21
Domain names	nuxe-beauty.shop

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	LABORATOIRE NUXE

Complainant representative

Organization	ATOUT PI LAPLACE

Respondent

Organization	NUXEBEAUTY

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 a number of trademark registrations for NUXE in various countries across the world including European Union trademark registration n°8 774 531 in classes 3 and 44 for cosmetics and personal care related goods and services since 2010.

NUXE is also part of the Company name and trade name of the Complainant and included in the name of all its subsidiaries across the world.

The Complainant is also the owner of a number of domain names including <nuxe.com> (created in 1998), <nuxe.fr>, <nuxe.eu>, <nuxe.ca>, <nuxe.us>, <nuxe.cn>, <nuxeshop.com>, <nuxespa.com>, <nuxepartners.com>, <nuxebeauty.com> … and many others combining the mark NUXE with a generic term. The address of the client's website accessible all around the world is https://www.nuxe.com/.

FACTUAL BACKGROUND

Laboratoire Nuxe (hereafter "Nuxe") is a French company created in 1964 specialized in manufacture and trade of cosmetics as well as personal care products and related services sold under the trademark NUXE.

The disputed domain name registered in 2024 has been used for a site purporting to be an official site of the Complainant featuring the Complainant's trade mark prominently in its masthead. The Complainant has had the site attached to the disputed domain name taken down.

PARTIES CONTENTIONS

Complaint

NUXE is an invented word composed of the terms nature and luxury (Luxe in French).

Neither the addition of the hyphen after NUXE nor the addition of non-distinctive term “beauty” are likely to prevent a likelihood of confusion between the disputed domain name and the Complainant's prior trade mark NUXE.

The addition of the non-distinctive term “beauty” is likely to increase the confusion with the Complainant as it is the Complainant's exact field of activity.

The gTLD “.shop” is disregarded for the purpose of determining whether a domain name is confusingly similar to a trade mark.

The Respondent does not have any rights or legitimate interests in the disputed domain name.

The Respondent is not authorised by the Complainant or commonly known by the disputed domain name.

The Domain Name carries the risk of affiliation with the Complaiannt and has been used for a site impersonating the Complainant and causing confusion using the Complainant's trade mark in its masthead.

The disputed domain name has been registered and are being used in bad faith:

- to mislead Complainant’s consumers;
- to obtain a financial advantage by using the Complainant's trademark NUXE;
- to prevent the Complainant) registering and using the disputed domain name;
- for phishing purposes; and
- for cybersquatting.

Response

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

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 disputed domain name is confusingly similar to the Complainant's prior registered trade mark NUXE containing it in its entirety and only adding a hyphen and the generic word "beauty" which does not prevent confusing similarity between the disputed domain name and the Complainant's mark.

The Respondent is not authorised by the Complainant or commonly known by the disputed domain name.

The disputed domain name has been used for a site impersonating the Complainant using the Complainant's trade mark as a masthead causing confusion for deceptive purposes.

The Respondent has not provided a Response or rebutted the prima facie case evidenced by the Complainant.

The Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name has been registered and used in bad faith to impersonate the Complainant for likely phishing purposes which is bad faith per se. The disputed domain name has been used by the Respondent to cause confusion for commercial gain and disrupt the Complainant's business in actual knowledge of the Complainant's rights.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nuxe-beauty.shop**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2024-11-08

Publish the Decision