# Decision for dispute CAC-UDRP-107381

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| Case number | CAC-UDRP-107381 |
| Time of filing | 2025-03-12 11:07:02 |
| Domain names | tanglerteezer.com |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | TANGLE TEEZER LIMITED |

## Complainant representative

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| Organization | Coöperatie SNB-REACT U.A. |

## Respondent

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| Name | Maria Mourao |

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 has demonstrated ownership of rights in the trademark TANGLE TEEZER for the purposes of standing to file a UDRP complaint.

The Complainant is the owner of the following trademark registrations for TANGLE TEEZER:

- European Union trademark registration No. 004345963 for TANGLE TEEZER (word mark), filed on March 17, 2005, and registered on April 26, 2006, in classes 3, 21 and 25;

- Brazilian trademark registration No. 903161508 for TANGLE TEEZER (word mark), filed on November 24, 2010, and registered on April 22, 2014, in class 21;

- International trademark registration No. 1262393 for TANGLE TEEZER (figurative mark), registered on November 4, 2014, in classes 3, 8, 11, 21, 26, 35 and 44;

- International trademark registration No. 1819217 for TANGLE TEEZER (figurative mark), registered on April 16, 2024, in classes 3, 8, 11, 16, 21, 26, 35 and 44.

FACTUAL BACKGROUND

The Complainant is the owner of the trademark TANGLE TEEZER, used for airbrushes that are designed to detangle hair with minimal damage.

Founded in 2007 by Shaun Pulfrey, the Complainant gained recognition both for its innovative design featuring flexible, patented two-tiered teeth technology that glides smoothly through hair, reducing breakage and pain and for their ergonomic, lightweight design and effectiveness in detangling both wet and dry hair.

The brand has since expanded its range of products to cater to various hair types, including brushes and combs designed specifically for curly or fine hair, as well as other hair care tools and accessories. In December 2024, the Complainant was acquired for € 200 million by the consumer goods group BIC.

The Complainant's products are sold in over 75 countries worldwide and since its funding has experienced significant growth, with annual net sales of more than € 70 million.

The Complainant is the owner of numerous domain names including <tangleteezer.com>, registered on January 19, 2005, and <tangleteezer.com.br>, registered on June 23, 2013, both used by the Complainant to promote its products under the trademark TANGLE TEEZER.

The disputed domain name <tanglerteezer.com> was registered on December 21, 2024, and currently does not resolve to an active website. According to the screenshots submitted by the Complainant – which have not been challenged by the Respondent, prior to the present proceeding, the disputed domain name pointed to a website publishing the Complainant's trademark and images taken from the Complainant's Brazilian website "www.tangleteezer.com.br" and offering purported TANGLE TEEZER products for sale. The website did not include a disclaimer of non-affiliation with the Complainant in the home page and displayed the footer the copyright notice "© TANGLE TEEZER".

## PARTIES CONTENTIONS

### COMPLAINANT

The Complainant contends that the disputed domain name <tanglerteezer.com> is confusingly similar to the trademark TANGLE TEEZER in which the Complainant has rights as it reproduces the trademark in its entirety with the mere addition of the letter "r" after the word "tangle" and the generic Top-Level Domain ("gTLD") ".com", which does not prevent the likelihood of confusion between the disputed domain name and the Complainant's trademark.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name because: i) the Respondent is not commonly known by the disputed domain name; ii) the Respondent is in no way affiliated with, licensed or authorized by the Complainant to use the TANGLE TEEZER mark or register a domain name using its mark; iii) the Respondent is not making use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use, as the disputed domain name, consisting of a misspelling of the Complainant's mark, impersonates or suggests sponsorship or endorsement by the Complainant and the Respondent's website (which is currently not accessible) was previously allegedly offering the Complainant's products for sale whilst impersonating the Complainant by imitating the "look and feel" of the Complainant's website for Brazil and publishing the Complainant's trademark and images and information on awards granted to the Complainant in 2019 and 2020, without providing a disclaimer of non-affiliation with the Complainant.

The Complainant claims that the Respondent registered and used the disputed domain name in bad faith because: i) it is implausible the Respondent did not have actual knowledge of the Complainant's prior trademarks when it registered the disputed domain name; ii) the disputed domain name consists of a misspelling of the trademark TANGLE TEEZER; iii) the Respondent has used the Complainant's trademarks without permission to get traffic to its website and obtain commercial gain by creating a false impression of a potential affiliation or connection with the Complainant; iv) the Respondent was using the disputed domain name to send fraudulent emails impersonating the Complainant to customers who made a purchase on the Respondent's website; and v) the current passive holding of the disputed domain name – which was deactivated following a takedown request sent by the Complainant's representative to the registrar -, does not prevent a finding of bad faith under the doctrine of passive holding.

### RESPONDENT

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

1. The Complainant has provided evidence of ownership of valid trademark registrations for TANGLE TEEZER.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark TANGLE TEEZER as it reproduces the trademark in its entirety with the mere addition of the letter "r" after the word "tangle", which is not sufficient to prevent a finding of confusing similarity.

As to the gTLD ".com", as established in a number of prior UDRP cases, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity under paragraph 4(a)(i) of the Policy.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain name, the Panel finds that the Complainant has made a prima facie case and that the Respondent, by not submitting a Response, has failed to provide any element from which a Respondent's right or legitimate interest in the disputed domain name could be inferred.

The Panel notes that, based on the records, the Respondent has in no way been authorized or licensed by the Complainant to use its trademark TANGLE TEEZER or to register and use the disputed domain name. Moreover, there is no evidence that the Respondent might be commonly known by the disputed domain name or a name corresponding to the disputed domain name.

As highlighted above, the disputed domain name is currently being passively held, but, according to the evidence submitted by the Complainant, prior to the present proceeding resolved to a website offering purported TANGLE TEEZER products for sale and publishing the Complainant's figurative marks and images taken from the Complainant's website "www.tangleteezer.com.br", displaying information on awards obtained by the Complainant and a copyright notice reading "© TANGLE TEEZER" in the footer of the website. The Complainant also submitted evidence of use of the disputed domain name in connection with email communications sent to internet users who attempted to purchase goods from the Respondent's website. Based on the evidence submitted by the Complainant – which has not been challenged by the Respondent, the Panel notes that neither the website nor the mentioned email communications included a prominent and clear disclaimer apt to inform users of the lack of affiliation with the Complainant. Moreover, in the Panel's view, the contents of both were designed to reinforce the impression that the website published at the disputed domain name was operated by the Complainant or one of its affiliated entities, which is not the case here. The Panel finds that that such use of the disputed domain name does not amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use.

Therefore, the Panel finds that the Complainant has demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain name according to paragraph 4(a)(i) of the Policy.

3. As to bad faith at the time of the registration, the Panel finds that, in light of the Complainant's prior registration and use of the trademark TANGLE TEEZER, also online on the Complainant's websites "www.tangleteezer.com" and "www.tangleteezer.com.br", the Respondent was or could have been aware of the Complainant and its trademark when it registered the disputed domain name in December 2024.

Moreover, considering the composition of the disputed domain name, which consists of a misspelling of the Complainant's trademark and domain names, and in view of the explicit reference to the TANGLE TEEZER trademark and products made by the Respondent on the website to which the disputed domain name resolved prior to this proceeding, the Panel finds that the Complainant was actually aware of, and intended to target, the Complainant and its trademark.

In view of the Respondent's prior redirection of the disputed domain name to a website publishing the Complainant's trademark and official images and offering purported TANGLE TEEZER products, without providing any disclaimer of non-affiliation with the Complainant, the Panel finds that the Respondent intentionally attempted to attract internet users to its website, for commercial

gain, by creating a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of its website and the products offered therein, according to paragraph 4(b)(iv) of the Policy.

The disputed domain name does not currently resolve to an active website. As established in a number of prior UDRP cases, the concept of “bad faith use” in paragraph 4(b) of the Policy includes not only positive action but also passive holding. In the present case, in light of i) the composition of the disputed domain name, which consists of a misspelling of the Complainant’s trademark and is very similar to the Complainant’s domain name <tangleteezer.com>, from which it differs by only one letter; ii) the prior use of the disputed domain name made by the Respondent; and iii) the Respondent’s failure to submit a Response to provide any evidence of actual or contemplated good-faith use of the disputed domain name, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has also demonstrated that Respondent registered and is using the disputed domain name in bad faith according to paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **tanglerteezer.com**: Transferred

## PANELLISTS

| Name | **Luca Barbero** |
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DATE OF PANEL DECISION 2025-04-18

Publish the Decision