Decision for dispute CAC-UDRP-107511

Case number	CAC-UDRP-107511
Time of filing	2025-04-23 09:32:13
Domain names	mustelabrasil.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	LABORATOIRES EXPANSCIENCE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	CARLOS JOSYMAR

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 relies on the following registered marks:

- Brazilian mark no. 006772234 for the word mark MUSTELA registered since 25 September 1978 in Class 3
- International trademark no. 154904 for a figurative mark containing MUSTELA registered since 16 July 1951 in classes 3 and 5
- International trademark no. 574185 for a figurative mark containing MUSTELA registered since 1 August 1991 in classes 3 and 5

FACTUAL BACKGROUND

The Complainant develops and manufactures innovative osteoarthritis and skincare products. It was established more than 70 years ago in France and now has 13 subsidiaries operating in over 100 countries and employing 565 staff. It owns the brand MUSTELA which is a leading brand on the daily child and baby care products market in France and has a website promoting this brand in Brazil at www.mustela.com.br.

The Complainant has registered its MUSTELA mark as described above.

The disputed domain name was registered on 8 April 2025 and locates an online store purporting to sell MUSTELA branded products at discounted prices. It is not clear whether these are genuine products originating with the Complainant.

PARTIES CONTENTIONS

The Complainant contends 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 Panel finds that the Complainant has registered rights in the mark MUSTELA as described above. The Panel is also satisfied that the disputed domain name is confusingly similar with the mark, from which it differs only in the addition of the descriptive word brasil and the generic top level domain name suffix .com.

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 Panel accepts the Complainant's undisputed statement that it has no dealings with the Respondent and has not authorised or licensed the Respondent to use the MUSTELA mark. The Respondent's website does not make clear that the Respondent is not an authorised distributor of the Complainant. The disputed domain name, together with the style of the Respondent's website, is such as to imply that the Respondent is part of the Complainant or an authorised distributor of the Complainant's products. This is misleading and does not constitute a bona fide offering of goods or services. In line with the well-known Oki Data decision, the Panel considers that the Respondent's use of the disputed domain name is not such as to confer any right or legitimate interest on the Respondent.

Accordingly, 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

As stated above, the Respondent has used the disputed domain name in a manner that is liable to mislead Internet users into believing that it is part of the Complainant or an authorised distributor of the Complainant's products. In the circumstances, the Panel is satisfied that by using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to its web site for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source or endorsement of its website and products offered on it.

In accordance with paragraph 4(b)(iv) of the Policy, this constitutes evidence of registration and use in bad faith. There is no evidence controverting that presumption. Accordingly 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 consists of the Complainant's registered mark plus generic / descriptive elements. The Respondent's website purports to sell the Complainant's products and implies contrary to the fact that the Respondent is part of or authorised by the Complainant. The Panel finds in line with Oki Data that this use does not confer a right or legitimate interest. Furthermore, this deceptive use is evidence of registration and use in bad faith per paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **mustelabrasil.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2025-06-03

Publish the Decision