Decision for dispute CAC-UDRP-107985

Case number	CAC-UDRP-107985
Time of filing	2025-09-23 12:14:30
Domain names	nuxe-outlets.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Laboratoire Nuxe

Complainant representative

Organization	ATOUTPI LAPLACE

Respondent

Organization	ren wei

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 provided evidence of its ownership of registered trademark rights in the trademark NUXE in classes 3, 44 and other classes in numerous jurisdictions. Such registrations include the following:

US trademark registration No. 4,123,619, registered on April 10, 2012 and No. 6,756,451, registered on June 14, 2022;

EU trademark registration No. 008774531, registered on June 15, 2010;

International trademark registration No.1072247, registered on February 14, 2011, designating numerous countries, including China.

The registration dates of the trademark predate the registration date of the disputed domain name, < nuxe-outlets.shop>, registered on August 22, 2025.

The Complainant is also the owner of the domain names, <nuxe.com>, registered in1998, <arla.ph>, <nuxe.fr>, <nuxe.eu>, <nuxe.ca>, <nuxe.us> and <nuxe.cn>.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is a French company created in 1964 specializing in manufacture and trade of cosmetics as well as personal care products and related services sold under the trademark NUXE. The Complainant is selling its cosmetics all around the world and provides spa services in various countries. Trademark NUXE PARIS and its device is affixed on all communications means (websites whatever the language), on social networks as well as on all the cosmetic goods themselves.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is renwei, based at the address of Sanbanqiao Town, Shizhuzhilicun Village, Banguojing Group, Beijing Municipality 522323 China.

The disputed domain name was registered on August 22, 2025 by the Respondent, as confirmed by the Registrar. At the time of filing of the Complaint, the disputed domain name < nuxe-outlets.shop > resolved to a website offering cosmetics. The website is now inactive after the Complainant’s complaint with the Registrar.

PARTIES CONTENTIONS

A. COMPLAINANT

Language of the Proceedings

The Complaint is written in English. According to the registrar's verification response ('the RVR'), the language of the registration agreement for the disputed domain name is Chinese. The Complainant submitted a request for English to be the language of this administrative proceeding. The Respondent understands perfectly English language on the following grounds:

- The disputed domain name was registered in Latin characters;
- The “.shop” generic top-level domain (TLD) could have been registered in Chinese script, but the Respondent registered it in English;
- The Respondent has registered in the past more than 1000 domain names, among which English wording are dominant;
- The Respondent’s website in France is partially in English and its website in China is entirely in English;
- To require the Complaint and all supporting documents to be re-filed in Chinese would cause an unnecessary burden of cost to the Complainant and would unnecessarily delay the proceeding.

The Complainant's contentions can be summarized as follows:

I. The disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights

- The Complainant contends that the disputed domain name is confusingly similar to the Complainant’s NUXE trademark, as it fully incorporates NUXE. The consumer will understand that the disputed domain name and its contents deal with NUXE trademark and goods;
- The generic word “outlets” heightens the risk of affiliation with the Complainant, given that it is a word readily associated with the Complainant’s business segment. NUXE products are sold in many outlets;
- The generic Top-Level Domains ('TLDs') may well enhance the link with the Complainant's trademark and business activities;
- This usage is likely to mislead Internet users into believing that the website is either operated by the Complainant or is authorized, licensed, or endorsed by it.

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

The Complainant submits that it has never been contacted by someone willing to register the disputed domain name nor has it given any authorization to anyone to make any use, or apply for registration of the disputed domain name. The Respondent really has no legitimate interest in the reservation and the use of the disputed domain name.

III. The Respondent registered and is using the disputed domain name in bad faith

Registration

The Complainant claims that the Respondent registered the disputed domain name in bad faith on the grounds: i) the Respondent registered the disputed domain name with knowledge of, and intention to target, the Complainant. It could not ignore the existence of the Complainant’s earlier rights and uses on NUXE. Indeed, the disputed domain name wholly reproduces the Complainant’s trademark NUXE and the Respondent sold NUXE products at a very low price; ii) when searching “nuxe-outlets.shop” with google, all search results relate to NUXE; iii) NUXE is a reputed trademark for cosmetics goods. NUXE reputation has been confirmed by many UDRP decisions; iv) the registration of the disputed domain name is either to obtain a financial advantage or to prevent the Complainant from using it; v) cosmetics of NUXE brand were offered on the website of the disputed domain name. The Respondent intentionally targeted the Complainant’s trademark and business when registering the disputed domain name in consideration of offering NUXE brand product. Such behavior can only emphasize the Respondent’s knowledge regarding the Complainant.

Use

The Complainant contends that the Respondent is using the disputed domain name in bad faith on the grounds: i) the website is misleading and impersonates the Complainant and its trademark. Such use is not for bona fide commercial purposes, but rather an attempt to attract Internet users for commercial gain by creating a likelihood of confusion regarding the source, sponsorship, affiliation, or endorsement of the website; ii) cosmetics of NUXE brand were offered on the website. The Respondent intentionally targeted the Complainant's trademark and business; iii) it obtains a financial advantage of using the trademark NUXE.

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

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 language of the registration agreement is Chinese. The Complainant has requested that the language of the proceeding be English. The Respondent did not respond to the issue of the language of the proceedings and did not reject the Complainant's request

The Panel is given discretion under Paragraph 11 of the Rules to determine the appropriate language of the administrative proceeding. Paragraph 10 of the Rules mentions that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case. Based on the following factors, the Panel has decided that it would be fair and equitable to all parties to have the language of the proceedings be English:

- The Complaint was written in English, an international language comprehensible to a wide range of internet users worldwide, including those living in France and in China;
- The Respondent's website is in French and English languages, offering for sale of cosmetics in French and English languages;
- While determining the language of the administrative proceedings, the Panel has a duty to consider who would suffer the greatest inconvenience as a result of the Panel's determination. On the one hand, the determination of English as the language of this administrative proceeding – a widely spoken language – is unlikely to cause the Respondent any inconvenience. The determination of Chinese as the language of this administrative proceeding, on the other hand, is very likely to cause the Complainant inconvenience, and to interfere with the overall due expedition of the proceedings under the Rules (See Burberry Limited v Fei Cheng, CAC-UDRP-106643);
- The Complainant has requested that the language of the proceeding be English. The Respondent did not respond to reject the Complainant's request.

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the disputed domain name, the Complainant shall prove the following three elements:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) The registrant has no rights or legitimate interests in respect of the disputed domain name; and

(iii) The disputed domain name has been registered and is being used in bad faith.

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response of any argument against what the Complainant claimed and to show his intention to retain the disputed domain name as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except otherwise there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a Complainant must prove that the domain name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights.

A. Complainant should have rights in a trademark or service mark

The Complainant has provided evidence of its ownership of registered trademark rights in the trademark NUXE in classes 3, 44 and other classes in numerous jurisdictions. Such registrations include the following:

US trademark registration No. 4,123,619, registered on April 10, 2012 and No. 6,756,451, registered on June 14, 2022;

EU trademark registration No. 008774531, registered on June 15, 2010;

International trademark registration No.1072247, registered on February 14, 2011, designating numerous countries, including China.

The trademark is still valid and the registration date of the trademark predates the registration date of the disputed domain name, < nuxe-outlets.shop>, registered on August 22, 2025. The Complainant therefore has rights in the NUXE trademark.

B. The domain name should be identical or confusingly similar to the trademark or service mark

The disputed domain name contains the Complainant's trade mark “NUXE” in its entirety, together with the generic word “outlets”. Numerous UDRP Panel decisions have established that the addition of words or letters to a mark used in a domain name does not alter the fact that the domain name is confusingly similar to the mark. WIPO Jurisprudential Overview 3.0, paragraph 1.8 mentions: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.

Paragraph 1.7 mentions: “In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.

Furthermore, the Complainant has online sale of cosmetics and the addition of the generic term “outlets” may even increase the likelihood of confusion by suggesting official online sales associated with the Complainant.

As to the generic Top Level Domain “.shop”, it is viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity (See WIPO Jurisprudential Overview 3.0, paragraph 1.11.1).

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a)(i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the grounds: The Complainant has never been contacted by someone willing to register the disputed domain name nor has it given any authorization to anyone to make any use, or apply for registration of the disputed domain name.

Once the 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 disputed 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 Jurisprudential Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent’s rights or legitimate interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the disputed domain name has been registered and is being used in bad faith.

A. The disputed domain name has been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain name, considering the following circumstances:

- WIPO Jurisprudential Overview 3.0, paragraph 3.2.2 mentions that noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. The Complainant's evidence of google search for < nuxe-outlets.shop> refers to the Complainant and its NUXE trademark. The Panel believes that before registration of the disputed domain name, the Respondent had made searches for the wording NUXE and knew it was the trademark of the Complainant;
- The Complainant claims that NUXE trademark is well known as determined in several prior UDRP decisions. The Respondent had knowledge of the Complainant's trademark;
- The disputed domain name resolved to the Respondent's website, an imitative website offering cosmetics under the NUXE trademark, which reflects its intention to create an association with the Complainant and likelihood of confusion with the Complainant and its NUXE trademark. This suggests that the Respondent had knowledge of the Complainant's NUXE trademark.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademarks at the time of registration of the disputed domain name. As the domain name would cause confusion to internet users, it should have avoided the registration, which is considered agood faith, rather it registering the disputed domain name. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain name has been registered in bad faith.

B. The disputed domain name is being used in bad faith

Paragraph 4(b)(iv) of the Policy states that the following circumstance in particular shall be evidence of registration and use of a domain name in bad faith: By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location. According to the above paragraph 4(b)(iv) of the Policy, the Complainant contends that the disputed domain name is being used in bad faith. The Panel supports the Complainant's contention, based on the following factors:

- The Complainant has online sales of cosmetics. The disputed domain name resolved to a website offering cosmetics under NUXE trademark, including a replica of NUXE Logo and annotation "Copyright NUXE 2024 - Manufactured by Laboratoire NUXE";
- The Complainant contends that the Respondent used the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion regarding the source, sponsorship, affiliation, or endorsement of the website. The panel agrees with its contention;
- The Panel notices that the sales prices are shown on the webpages, which means that the website is for commercial gain.

Considering the above factors, the Panel finds that the disputed domain name is being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b) (iv).

Regarding the Complainant's contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel's findings on its bad faith. In view of all above, the Panel finds that the disputed domain name has been registered and is being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain name < nuxe-outlets.shop > be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	Yunze Lian

DATE OF PANEL DECISION 2025-11-04

Publish the Decision