Decision for dispute CAC-UDRP-107978

Case number	CAC-UDRP-107978
Time of filing	2025-09-24 09:24:06
Domain names	ventesprivees-nuxe.com

Case administrator

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

Complainant

Organization	Laboratoire Nuxe

Complainant representative

Organization	ATOUTPI LAPLACE

Respondent

Name	ryan Debarre nuxe france

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 owns European Union trade mark registration 008774531 registered on June 15, 2010 and International trade mark registration 1072247 registered on February 14, 2011 which is designated in numerous countries.

FACTUAL BACKGROUND

The Complainant is a French company created in 1964 which manufactures cosmetics and personal care products and provides certain related services. It sells cosmetic products internationally and also provides spa services in various countries. It operates under and owns rights in the NUXE trade mark as noted above and also owns various domain names which incorporate its NUXE mark including <nuxe.com> (created in 1998 and used as its main website), <nuxe.fr>, <nuxe.eu>, <nuxe.ca>, <nuxe.us>, <nuxe.cn>, <nuxeshop.com>, <nuxespa.com>, <nuxepartners.com> and <nuxebeauty.com>.

The Respondent, based in France, registered the disputed domain name on July 18, 2025. The disputed domain name resolves to a blank page.

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 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 Complainant has demonstrated that it owns registered trade mark rights in its NUXE mark as set out above. The disputed domain name wholly incorporates the NUXE mark and is therefore confusingly similar to it. As submitted by the Complainant, its NUXE mark is a coined term and is distinctive and the inclusion in the disputed domain name of the additional expression "ventes privees", which means private sales, does not distinguish it and does not prevent a finding of confusing similarity.

The Complainant has submitted that it is the sole owner of rights in the NUXE mark and that based on its worldwide trade mark watching service programme it is not aware of anyone else having rights in its mark and it confirms that it has never authorised anyone to make use of or apply for the disputed domain name. The Complainant notes that the disputed domain name resolves to a blank page with a notice that a store was under construction which leads it to believe that a possible store was under construction. The Complainant has submitted that the Respondent has no legitimate interest in the reservation and use of the disputed domain name which it has asserted was made with the clear intent to trade on the Complainant's rights.

The Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie case showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

As noted by the Complainant, the disputed domain name was registered on July 18, 2025, long after the registration of the Complainant's NUXE trade mark. The Panel notes that the Respondent is based in France from where the Complainant operates and considering that the NUXE mark is a coined term and also the Complainant's long-standing use of the NUXE mark, it is most likely that the Respondent was aware of the Complainant's NUXE mark and business when he registered the disputed domain name.

The disputed domain name resolves to a blank page and there is no evidence of its use.

Previous panels have found bad faith in circumstances of the passive holding of a disputed domain name where; (i) there is a high degree of distinctiveness or reputation of the complainant’s mark, (ii) the respondent has failed to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent has concealed its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) it is not plausible that the disputed domain name will be used in good faith.

In this case the Complainant’s NUXE mark is a coined and very distinctive term which has been used for many years in France and abroad and likely enjoys a considerable degree of reputation at least in that jurisdiction. The Respondent failed to explain its registration of the disputed domain name and the Respondent attempted to conceal its identity by using a privacy service. The

Complainant's business appears to be quite established in France over a long period and most likely enjoys at least a reasonable degree of repute there. The Respondent based in France registered the disputed domain name which incorporated the French term " ventes privees" which was obviously aimed at a Francophone audience. In all these circumstances it is difficult to see any plausible justification for the registration of this disputed domain name by the Respondent. The Panel therefore finds that it is most likely that the Respondent did not intend to use the disputed domain name in good faith. For these reasons the Panel also finds that the disputed domain name was registered and has been used passively in bad faith and that the Complaint also succeeds under section 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. **ventesprivees-nuxe.com**: Transferred

PANELLISTS

Name	**Mr Alistair Payne**

DATE OF PANEL DECISION 2025-11-11

Publish the Decision