Decision for dispute CAC-UDRP-107990

Case number	CAC-UDRP-107990
Time of filing	2025-09-25 09:09:08
Domain names	snapnuxe.com, snapnuxe.app, snapnuxe.net, snapnuxe.shop, snapnuxe.store, snapnuxe.tech, snapnuxe.xyz

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Laboratoire Nuxe

Complainant representative

Organization	ATOUTPI LAPLACE

Respondent

Name	prasanna Shankara Vadivel

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 names.

IDENTIFICATION OF RIGHTS

The Complainant has demonstrated ownership of rights in the trademark NUXE for the purpose of standing to file a UDRP complaint.

The Complainant is the owner of numerous trademark registrations for NUXE, including the following:

- European Union trademark registration No. 008774531 for NUXE (word mark), filed on December 22, 2009, and registered on June 15, 2010, in classes 3 and 44;

- Canadian trademark registration No. TMA871198 for NUXE (word mark), filed on February 14, 2011, and registered on February 12, 2014, in international classes 3 and 44;

- United States trademark registration No. 4123619 for NUXE (word mark), filed on February 14, 2011, and registered on April 10, 2012, in international classes 3 and 44;

- United States trademark registration No. 6756451 for NUXE (word mark), filed on May 7, 2021, and registered on June 14, 2022, in international class 44.

FACTUAL BACKGROUND

The Complainant is a French company founded in Paris in 1964 and specializes in the manufacture and trade of cosmetics, personal care products, and related services sold under the trademark NUXE.

The Complainant is the owner of numerous domain names encompassing NUXE, including <nuxe.com>, registered on February 27, 1998, and used by the Complainant to promote its products under the trademark NUXE.

The disputed domain names <snapnuxe.com>, <snapnuxe.app>, <snapnuxe.net>, <snapnuxe.shop>, <snapnuxe.store>, <snapnuxe.tech> and <snapnuxe.xyz> were registered on May 31, 2025. The disputed domain name <snapnuxe.com> resolves to a web page displaying only the notice “SPANUXE Get Ready! We are working on something really cool”, while the other six disputed domain names are pointed to pay-per-click pages with links also related to the Complainant’s trademark and products.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain names are confusingly similar to the Complainant’s trademark NUXE, as they include the trademark in its entirety with the mere addition of the word “snap” and the generic Top Level Domains (“gTLDs”) “.com”, “.app”, “.net.”, “.shop”, “.store”, “.tech” and “.xyz”, which are not sufficient to escape the finding that the disputed domain names are confusingly similar to the Complainant's trademark, especially since NUXE is a coined mark derived from the combination of the words “nature” and “luxury” (in French).

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names because the Complainant is the exclusive owner of rights on the sign NUXE and has not given any authorization to anyone to make any use of, or apply for registration of, the disputed domain names. The Complainant also states that the Respondent has no relevant trademark rights in NUXE or SNAP NUXE.

The Complainant further submits that the Respondent has no legitimate interest in the disputed domain names since all of them, excluding <snapnuxe.com>, have been used in connection with pay-per-click pages promoting goods from the Complainant along with products of the Complainant’s competitors.

The Complainant contends that the Respondent registered the disputed domain names in bad faith since, given the worldwide reputation and well-known character of the Complainant’s trademark NUXE, which was well established at the time of registration of the disputed domain names and was recognized also in prior UDRP decisions, and considering the first result for a Google search for “snapnuxe” shows the Complainant’s NUXE Snapchat account as first result, the Respondent could not ignore the existence of the Complainant’s earlier rights and use of the trademark NUXE.

The Complainant also states that the Respondent registered the disputed domain names, which combine the Complainant’s trademark NUXE with the non-distinctive term “snap”, in order to obtain financial gain or to prevent the Complainant from reflecting its trademark in corresponding domain names.

The Complainant submits that, by redirecting the disputed domain names, excluding <snapnuxe.com>, to parking pages with pay-per-click links related to both the Complainant’s trademark and to competitors of the Complainant, the Respondent has used the disputed domain names in bad faith.

The Complainant also contends that the Respondent’s use of a Whois privacy protection service to anonymize the registrant information for the disputed domain names and the creation of a messaging server for all the disputed domain names, which suggests the possible use of the disputed domain names for impersonation and phishing purposes, further demonstrate the Respondent’s bad faith.

RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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 NUXE.

The Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark as they reproduce the trademark NUXE in its entirety with the addition of the term "snap" and the gTLDs ".com", ".app", ".net.", ".shop", ".store", ".tech" and ".xyz" . As stated in prior decisions rendered under the UDRP, the addition of descriptive words and of the gTLDs ".com", ".app", ".net.", ".shop", ".store", ".tech" and ".xyz" are not sufficient to prevent a finding of confusing similarity.

Therefore, the Panel finds that the Complainant has demonstrated that the disputed domain names are confusingly similar to a trademark in which the Complainant has established rights according to paragraph 4(a)(i) of the Policy.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain names, 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 names could be inferred.

The Panel notes that, based on the records, the Respondent has not been authorized or licensed by the Complainant to use its trademark NUXE. Moreover, there is no evidence that the Respondent might have rights to, or be commonly known by, the disputed domain names or a name corresponding to the disputed domain names.

The Panel also finds that, based on the documents and statements submitted by the Complainant, which have not been contested by the Respondent, there is no evidence of use of the disputed domain names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Indeed, as highlighted above, all the disputed domain names except for <snapnuxe.com>, resolve to parking pages with pay-per-click links also related to the Complainant's trademark, which redirect users to third-party websites, including webpages promoting products from the Complainant's competitors. Prior UDRP panels have found that the use of a domain name to host a parked page comprising pay-per-click links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the Complainant's mark or otherwise mislead Internet users.

The disputed domain name <snapnuxe.com> instead, has been pointed to a webpage displaying only the indication "SPANUXE Get Ready! We are working on something really cool", and there is no evidence of use of the disputed domain name in connection with 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 names according to paragraph 4(a)(ii) of the Policy.

3. As to bad faith at the time of registration, the Panel finds that, in light of the Complainant's prior registration and use of the trademark NUXE, including online on the Complainant's website "www.nuxe.com", and considering the well-known character of the trademark, the Respondent was or should have been aware of the Complainant's trademark when it registered the disputed domain names on May 31, 2025. Indeed, a simple online search for "nuxe" or even "snapnuxe" would have revealed the presence of the Complainant and its trademark.

Moreover, considering the Respondent has redirected the six disputed domain names <snapnuxe.app>, <snapnuxe.net>, <snapnuxe.shop>, <snapnuxe.store>, <snapnuxe.tech> and <snapnuxe.xyz> to webpages displaying pay-per-click links related to cosmetics of the Complainant and/or its competitors, the Panel finds that, on balance of probabilities, the Respondent registered the disputed domain names with the intention to target the Complainant and its trademark.

In view of the above-described use of six disputed domain names in connection with pay-per-click pages displaying also links related to the Complainant and its products and leading to websites advertising, amongst others, products of the Complainant's competitors, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its

websites, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of its websites, according to paragraph 4(b)(iv) of the Policy.

The disputed domain name <snapnuxe.com> resolves to a website that displays only the notice "SPANUXE Get Ready! We are working on something really cool" without any other content. 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, the Panel considers i) the distinctiveness and reputation of the Complainant's trademark NUXE; ii) the composition of the disputed domain name as well as of the other six disputed domain names, which all incorporate the Complainant's trademark NUXE in its entirety; 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; iv) the Respondent's concealing its identity through a Whois privacy service; and v) the configuration of MX records in connection with the disputed domain names, which suggests the existence of email addresses which may be used to deliver misleading email communications, and finds that the current passive holding of the disputed domain name <snapnuxe.com> does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has also demonstrated that the Respondent registered and is using the disputed domain names 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. **snapnuxe.com**: Transferred
2. **snapnuxe.app**: Transferred
3. **snapnuxe.net**: Transferred
4. **snapnuxe.shop**: Transferred
5. **snapnuxe.store**: Transferred
6. **snapnuxe.tech**: Transferred
7. **snapnuxe.xyz**: Transferred

PANELLISTS

Name	**Luca Barbero**

DATE OF PANEL DECISION 2025-11-12

Publish the Decision