Decision for dispute CAC-UDRP-108477

Case number	CAC-UDRP-108477
Time of filing	2026-03-10 13:58:55
Domain names	nuxebeaute.com

Case administrator

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

Complainant

Organization	Laboratoire Nuxe

Complainant representative

Organization	ATOUTPI LAPLACE

Respondent

Name	Joseph Velasquesz

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 is the owner of many registered trademarks for NUXE worldwide, including:

- French trademark NUXE with registration number 1688882 of July 27, 1988 for goods and services in class 3, 5 and 25;
- European Union trademark NUXE with registration number 008774531of June 15, 2010 for goods and services in classes 3 and 44; and
- United States of America ("US") federal trademark NUXE with registration number 4123619 of January 24, 2012 for goods in class 3.

FACTUAL BACKGROUND

The Complainant is a French company founded in 1964, specializing in the manufacture and marketing of cosmetics and personal care products, as well as related services.

The Complainant’s trademark registrations for the NUXE brand cover 59 countries. The Complainant also owns many domain names, including “nexux.com” which was registered in 1998 and is used as the Complainant’s main website.

The disputed domain name was registered on October 2, 2025, and resolves to a French-language website where genuine NUXE products are offered for sale at low prices. The Complainant alleges that this website impersonates the Complainant and its NUXE trademarks, and that the Respondent presents itself on the website under the name "Nuxe Éclat Promos Boutique" which could be translated as "Nuxe Standout Promo Shop") as an entity affiliated with the Complainant.

After the Complainant filed an undated complaint with the registrar alleging that the Respondent's website infringed the Complainant's trademarks and requesting, inter alia, "immediate and integral deletion" of the disputed domain name and to "deactivate and take off line the contested website." Although the Complainant does not know whether this is a result of its complaint to the registrar, the website has since become inaccessible, and the disputed domain name now displays the message "This page can't be reached."

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 Respondent did not reply to the Complainant's contentions. However, the consensus view of UDRP panels is that the Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

1. **The disputed domain name is confusingly similar to the Complainant's trademark**

It is well established that the Top Level Domain ("TLD") – in the present case ".com" – may be disregarded in the assessment under paragraph 4(a)(i) of the Policy (WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.11).

The disputed domain name incorporates the Complainant's trademark NUXE in its entirety and adds a descriptive term "beaute" ("beauté" being French for beauty). Such additions do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's NUXE trademark (WIPO Overview 3.1, paragraph 1.8).

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

The Complainant must make a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent may rebut (e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455).

The Panel takes note of the various allegations of the Complaint and, in particular, that the Respondent has not registered a trademark which corresponds to the disputed domain and has neither asked for nor was licensed or authorized to use the Complainant's trademarks in connection with the registration and use of a domain name.

The Complainant did assert that the Respondent offered genuine NUXE products for sale, but by doing so impersonated the Complainant by using the disputed domain name and the trade name "Nuxe Éclat Promos Boutique", and accused the Respondent of not using the disputed domain name in good faith for these reasons, because it would mislead the Complainant's consumers, infringe the Complainant's trademark rights, gain a financial advantage by using the NUXE trademark and prevent the Complainant from using the disputed domain name, while the Complainant also alleges that the Respondent uses the disputed domain name for phishing and cybersquatting purposes.

The Respondent has not contested any of these allegations on the one side, but on the other side did the Complainant only submit evidence of a screenshot of the website under the disputed domain name, without even submitting a beginning of evidence of phishing or other illegal activities. This does not mean that the Panel excludes the possibility that the disputed domain name is or has been used for unlawful purposes, but merely that there is insufficient evidence to support such a conclusion. The screenshot of the Respondent's website submitted by the Complainant shows only NUXE-branded products being offered at a discount. While the website displays images of the products being sold, it does not use the Complainant's NUXE trademarks to give Internet users the impression that the website originates from the Complainant. In other words, it is possible that this is a website operated by an unauthorized reseller of the Complainant's products, which may constitute a bona fide offering of goods and services and the Respondent therefore has a legitimate interest in such domain name. Outlined in the "Oki Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case:

i. the respondent must actually be offering the goods or services at issue;
ii. the respondent must use the site to sell only the trademarked goods or services;
iii. the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
iv. the respondent must not try to "corner the market" in domain names that reflect the trademark.

(WIPO Overview 3.1, sections 2.8.1 and 2.8.2).

Applying the Oki Data test to the present case, the Panel finds that the third condition has not been met, since although the Respondent's website did mention the seller's trade name, "Nuxe Éclat Promos Boutique," it made no mention of its relationship with the Complainant. The Panel therefore finds that the disputed domain name has not been used in good faith and that the Complainant has succeeded in making a prima facie case that the Respondent has no rights or legitimate interests in connection with the disputed domain name.

3. **The disputed domain name has been registered and used in bad faith**

The Panel is satisfied that, when registering the disputed domain name, the Respondent must have had the Complainant and its NUXE trademarks in mind, given that the Complainant had registered the NUXE trademarks long before the disputed domain name was registered and that the disputed domain name, after its registration, resolved to a website where genuine NUXE products were offered for sale, from which the Panel infers that this sales website was the primary purpose of the registration of the disputed domain name.

The Panel is also satisfied that the disputed domain name has been used in bad faith as the Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website, as absence of a conceivable good faith use has already been established above sub 2.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **nuxebeaute.com**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2026-04-12

Publish the Decision