

ADMINISTRATIVE PANEL DECISION

Limelife Co-Invest S.A R.L. v. 杨智超 (Yang Zhi Chao)
Case No. D2022-1845

1. The Parties

The Complainant is Limelife Co-Invest S.A R.L., Luxembourg, represented by IP Twins, France.

The Respondent is 杨智超 (Yang Zhi Chao), China.

2. The Domain Names and Registrar

The disputed domain names, <comlimelifebyalcone.com>, <limelifebaylcone.com>, <limelifebbyalcone.com>, <limelifebgalcone.com>, <limelifebualcone.com>, <limelifebyaalcone.com>, <limelifebyaicone.com>, <limelifebyakcone.com>, <limelifebyalacone.com>, <limelifebyalcane.com>, <limelifebyalccone.com>, <limelifebyalcne.com>, <limelifebyalcnoe.com>, <limelifebyalcobe.com>, <limelifebyalcoen.com>, <limelifebyalconee.com>, <limelifebyalcones.com>, <limelifebyalconne.com>, <limelifebyalconr.com>, <limelifebyalconw.com>, <limelifebyalcoone.com>, <limelifebyalc0ne.com>, <limelifebyalicone.com>, <limelifebyallcone.com>, <limelifebyalocne.com>, <limelifebyalocone.com>, <limelifebyalxone.com>, <limelifeby.com>, <limelifebyalacone.com>, <limelifebylcone.com>, <limelifebyslcone.com>, <limelifebyyalcone.com>, <limelifebyalcone.com>, <limelifenyalcone.com>, <limelifetbyalcone.com>, <limelifevyalcone.com>, <limelifeyalcone.com>, <limelifeybalcone.com>, <limelifeybalcone.com>, and <mylimelifebyalcone.com> (collectively the “Disputed Domain Names”, and each a “Disputed Domain Name”), are registered with DNSPod, Inc. (the “Registrar”).

3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 23, 2022. On May 23, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On May 27, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on June 2, 2022.

On May 27, 2022, the Center sent an email in English and Chinese to the Parties regarding the language of the proceeding. The Complainant confirmed its request that English be the language of the proceeding on May 31, 2022. The Respondent did not comment on the language of the proceeding.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Chinese of the Complaint, and the proceedings commenced on June 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 27, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 28, 2022.

The Center appointed Peter J. Dernbach as the sole panelist in this matter on July 5, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a natural skincare and personalized make-up brand, under the L'Occitane Group, which has six brands, including LIMELIFE BY ALCONE, in its portfolio.

The Complainant holds several trademarks in the terms LIMELIFE BY ALCONE, including:

- International trademark LIMELIFE BY ALCONE, No. 1439502, registered on October 17, 2018;
- European Union trademark LIMELIFE BY ALCONE, No. 016512329, registered on July 11, 2017;
- United States of America trademark LIMELIFE BY ALCONE, No. 5860008, registered on September 17, 2019;
- Australian trademark LIMELIFE BY ALCONE, No. 1832369, registered from March 17, 2017; and
- French trademark LIMELIFE BY ALCONE, No. 4491349, registered on October 15, 2018.

The Disputed Domain Names were all registered on October 18, 2021. The Disputed Domain Names all resolve to the websites where three links are advertised. The three links are titled: "Skin Care Products", "Makeup Products", and "Promotional Products".

5. Parties' Contentions

A. Complainant

The Complainant requests the Panel appointed in this administrative proceeding that the Disputed Domain Names be transferred to the Complainant.

(i) The Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant submits that it has registered trademarks for the brand name LIMELIFE BY ALCONE. The Complainant has built up substantial recognition in the LIMELIFE BY ALCONE trademarks among the public.

The Disputed Domain Names have sought to reproduce the LIMELIFE BY ALCONE trademarks of the Complainant through:

- the replacement of a letter by another;
- addition of a letter;
- omission of a letter;
- omission of part of the LIMELIFE BY ALCONE trademarks;
- replacement of the letter "o" by the number "0";
- doubling of a letter;
- inversion of letters; or
- addition of a generic word.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark, such as any of the Disputed Domain Name, is considered to be confusingly similar to the relevant mark.

The addition of a generic term does nothing to diminish the confusing similarity between LIMELIFE BY ALCONE trademarks and the Disputed Domain Names.

The addition of the Top-Level Domain ("TLD") ".com" is merely a technical requirement for domain name registration and does not diminish the confusing similarity between the LIMELIFE BY ALCONE trademarks and the Disputed Domain Names.

Considering the above, the Complainant contends that the Disputed Domain Names must be considered confusingly similar to the LIMELIFE BY ALCONE trademarks.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Names

The Complainant performed searches that disclosed no LIMELIFE BY ALCONE trademarks registered to the Respondent, and there is no evidence that the Respondent is known by the Disputed Domain Names. The Respondent has acquired no rights in the LIMELIFE BY ALCONE trademarks.

The Respondent reproduces the LIMELIFE BY ALCONE trademarks, by intentional misspelling, in the Disputed Domain Names without any license or authorization from the Complainant.

The Respondent has not used or made preparations to use the Disputed Domain Names in relation to a *bona fide* offering of goods or services. All Disputed Domain Names redirect to the same website, with three available links titled: "Skin Care Products", "Makeup Products", and "Promotional Products", which are related to the business of the Complainant, a natural skincare and personalized make-up brand.

The intentional misspelling of the Disputed Domain Names of the LIMELIFE BY ALCONE trademarks signals harmful intention of the Respondent.

The above shifts the burden to the Respondent to establish the rights or legitimate interests the Respondent may have or have had in the Disputed Domain Names. The Respondent provided no response on this.

Considering the above, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names.

(iii) The Disputed Domain Name was registered and is being used in bad faith

Firstly, the Complainant and their trademarks are well-known. It is inconceivable that the Respondent is not aware of the Complainant or the LIMELIFE BY ALCONE trademarks.

Secondly, the Respondent chose the Disputed Domain Names because they are nearly identical to the LIMELIFE BY ALCONE trademarks. The Respondent clearly intended to create a likelihood of confusion with the LIMELIFE BY ALCONE trademarks.

Thirdly, LIMELIFE BY ALCONE trademarks significantly predate the registration date of the Disputed Domain Names.

Fourthly, the Disputed Domain Names are used to host pay-per-click pages.

Considering the above, the Complainant contends that the Respondent has acted in bad faith both in registering and using the Disputed Domain Names, and therefore the Disputed Domain Names should be transferred to the Complainant in line with the Policy.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

6.1 Language of the Proceeding

Paragraph 11(a) of the Rules provides that “[u]nless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding”.

Paragraph 10(b) of the Rules provides that “[i]n all cases, the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case”; and paragraph 10(c) of the Rules provides that “[t]he Panel shall ensure that the administrative proceeding takes place with due expedition [...]”.

The Registration Agreement is in Chinese. The Complainant requested that the language of the proceeding be English.

The Disputed Domain Names all resolve to the same website, where three links are advertised. The three available links are titled: “Skin Care Products”, “Makeup Products”, and “Promotional Products”, in English.

The Complainant, being an entity based in Luxembourg, is not able to communicate in Chinese and therefore, if the Complainant were to submit all documents in Chinese, the proceeding will be unduly delayed and the Complainant would have to incur substantial expenses for translation.

The Respondent was given an opportunity to comment on the language of the proceeding and failed to do so. Given this, and that the Disputed Domain Names resolve to sites where content is presented in English, the Panel finds it will not be prejudicial to the Respondent in its abilities to articulate its arguments in English in the administrative proceeding, whereas requiring the Complainant to translate the Complaint and all supporting materials into Chinese would cause unnecessary delay to the administrative proceeding. (*Dolce*

& *Gabbana S.r.l. v. Zhang Yali*, WIPO Case No. [D2013-1101](#)).

In order to ensure fairness to the Parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes, the Panel determines under paragraph 11(a) of the Rules that English shall be the language of the proceeding and the decision will be rendered in English.

6.2 Consolidated Complaint

Under paragraph 3(c) of the Rules, a single Complaint may relate to more than one domain name, provided that the registrant of the domain names specified in the Complaint is the same.

As the Respondent is the registrant of all the Disputed Domain Names, the Panel finds it appropriate to for the Complainant to consolidate the actions against all the Disputed Domain Names in a single Complaint.

6.3 Substantive Issues

The Complainant must prove, by evidence, each of the following UDRP elements:

- (i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (iii) the Disputed Domain Names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy provides that “[a domain-name holder] is required to submit to a mandatory administrative proceeding in the event that [a complainant] asserts to the applicable [administrative-dispute-resolution service provider], in compliance with the Rules of Procedure, that (i) [the Disputed Domain Name] is identical or confusingly similar to a trademark or service mark in which the complainant has rights[.]”.

The Complainant has established that it is the owner of the LIMELIFE BY ALCONE trademarks.

The Disputed Domain Names have all sought to reproduce the trademark of the Complainant as follows:

Misspelling made by the Respondent	Disputed Domain Name(s)
Addition of a letter	limelifebyalacone.com limelifebyalicone.com limelifebyalocone.com limelifetbyalcone.com limelifebyalcones.com limelifebyalconne.com
Replacement of a letter by another	limelifebyalcobe.com limelifebyalconr.com limelifenyalcone.com limelifebgalcone.com limelifebualcone.com limelifebyaicone.com limelifebyakcone.com limelifebyalcane.com limelifebyalcOne.com limelifebyslcone.com limelifevyalcone.com

	limelifeybalconw.com limelifeybalxone.com
Addition of a word	comlimelifeybalcone.com mylimelifeybalcone.com
Inversion of letters	limelifeybaylcone.com limelifeybalcnoe.com limelifeybalcoen.com limelifeybalcne.com limelifeybylcone.com limelifeybalcone.com
Doubling of a letter	limelifeybbyalcone.com limelifeybaalcone.com limelifeybalccone.com limelifeybalccone.com limelifeybalcoone.com limelifeybyallcone.com limelifeybyalcone.com limelifeybyalcone.com llimelifeybalcone.com
Omission of a letter or a part of the word	limelifeybalcne.com limelifey.com limelifeylcone.com limelifeyalcone.com

According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 1.9:

“A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.

This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant.

Examples of such typos include (i) adjacent keyboard letters, (ii) substitution of similar-appearing characters (e.g., upper vs lower-case letters or numbers used to look like letters), (iii) the use of different letters that appear similar in different fonts, (iv) the use of non-Latin internationalized or accented characters, (v) the inversion of letters and numbers, or (vi) the addition or interspersing of other terms or numbers.”

The addition of the TLD “.com” is merely a technical requirement for domain name registration. Also, the addition of a term does nothing to diminish the confusing similarity between the LIMELIFE BY ALCONE trademarks and the Disputed Domain Names.

For the above reasons, the Panel finds that all of the Disputed Domain Names are confusingly similar to the Complainant’s trademark, and the condition of paragraph 4(a)(i) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that “[a domain-name holder] is required to submit to a mandatory administrative proceeding in the event that [a complainant] asserts to the applicable [administrative-dispute-resolution service provider], in compliance with the Rules of Procedure, that [...] (ii) [the respondent has] no rights or legitimate interests in respect of the [disputed] domain name[.]”

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondent has rights to, or legitimate interests in, the Disputed Domain Name, for the purposes of paragraph 4(a)(ii) of the Policy:

“(i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [Disputed Domain Name] or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or

(ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [Disputed Domain Name], even if [the Respondent has] acquired no trademark or service mark rights; or

(iii) [the Respondent is] making a legitimate noncommercial or fair use of the [Disputed Domain Name], without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

Pursuant to paragraphs 4(a)(ii) and 4(c) of the Policy, the Complainant is required to first establish a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names. The burden of production would then shift to the Respondent to come forward with appropriate evidence demonstrating rights or legitimate interests in the Disputed Domain Names.

The Complainant has established that it is the owner of the LIMELIFE BY ALCONE trademarks. The Complainant has not licensed or otherwise permitted the Respondent to use any of their trademarks, nor have they permitted the Respondent to apply for or use any domain name incorporating the LIMELIFE BY ALCONE trademarks.

Furthermore, the record shows that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Names because the website to which the Disputed Domain Names resolved was the same website, with three available links titled: “Skin Care Products”, “Makeup Products”, and “Promotional Products”, which are related to the business of the Complainant, a natural skincare and personalized make-up brand. Such use is not a legitimate noncommercial or fair use, as further discussed below in the section headed “6.3 Substantive Issues - C. Registered and Used in Bad Faith”.

The Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names.

The burden of production thus shifts to the Respondent to come forward with appropriate evidence demonstrating rights or legitimate interests in the Disputed Domain Names. The Respondent did not submit any evidence to show that it has rights or legitimate interests in the Disputed Domain Names.

Having considered the above, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that “[a domain-name holder] is required to submit to a mandatory administrative proceeding in the event that [a complainant] asserts to the applicable Provider, in compliance with the Rules of Procedure, that [...] (iii) [the respondent’s] domain name has been registered and is being used in bad faith”.

The relevant part of paragraph 4(b) of the Policy explicitly states that “the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: [...] (iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your web

site or location or of a product or service on your website or location”.

The Complainant operates and owns a cosmetics and well-being products brand.

The LIMELIFE BY ALCONE trademarks were registered by the Complainant before the registration of the Disputed Domain Names.

The Respondent knew or should have known the LIMELIFE BY ALCONE trademarks when registering the Disputed Domain Names. A quick search of the term “limelife by alcone” would have revealed to the Respondent the existence of the Complainant and the Complainant’s LIMELIFE BY ALCONE trademarks.

The Panel also finds it inconceivable that the Respondent registered the forty Disputed Domain Names that obviously altered and are confusingly similar to the Complainant’s trademark in various ways on the same day for any reason other than to take advantage the goodwill of the LIMELIFE BY ALCONE trademarks owned by the Complainant.

Having considered the above, the Panel finds that all of the Disputed Domain Names have been registered in bad faith.

The Disputed Domain Names all resolve to the same website, where three links are advertised. The three available links are titled: “Skin Care Products”, “Makeup Products”, and “Promotional Products”. The Panel could only deduce that the Respondent obtains certain commercial benefit in doing this, including by misspelling the Complainant’s trademark, and has sought to create a likelihood of confusion with the Complainant’s LIMELIFE BY ALCONE trademarks in order to attract the Complainant’s customers who are likely interested in natural skincare and personalized make-up brand to click on the advertised links.

Having considered the above, the Panel finds that all of the Disputed Domain Names have been used in bad faith.

Having considered the above, the Panel finds that all of the Disputed Domain Names have been registered and used in bad faith, and thus the condition of paragraph 4(a)(iii) of the Policy has been fulfilled.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Disputed Domain Names, <comlimelifebyalcone.com>, <limelifebaylcone.com>, <limelifebbyalcone.com>, <limelifebgalcone.com>, <limelifebualcone.com>, <limelifebyaalcone.com>, <limelifebyaicone.com>, <limelifebyakcone.com>, <limelifebyalacone.com>, <limelifebyalcane.com>, <limelifebyalccone.com>, <limelifebyalcne.com>, <limelifebyalcnoe.com>, <limelifebyalcobe.com>, <limelifebyalcoen.com>, <limelifebyalconee.com>, <limelifebyalcones.com>, <limelifebyalconne.com>, <limelifebyalconr.com>, <limelifebyalconw.com>, <limelifebyalcoone.com>, <limelifebyalc0ne.com>, <limelifebyalicone.com>, <limelifebyallcone.com>, <limelifebyalocne.com>, <limelifebyalocone.com>, <limelifebyalxone.com>, <limelifeby.com>, <limelifebylacone.com>, <limelifebylcone.com>, <limelifebyslcone.com>, <limelifebyyalcone.com>, <limelifebyyalcone.com>, <limelifenyalcone.com>, <limelifetbyalcone.com>, <limelifevyalcone.com>, <limelifeyalcone.com>, <limelifeybalcone.com>, <limelifebyalcone.com>, and <mylimelifebyalcone.com>, be transferred to the Complainant.

/Peter J. Dernbach/

Peter J. Dernbach

Sole Panelist

Date: July 18, 2022