

ADMINISTRATIVE PANEL DECISION

Olaplex, Inc. v. Milen Radumilo
Case No. D2023-0928

1. The Parties

The Complainant is Olaplex, Inc., United States of America (“United States”), represented by Brand Enforcement Team 101 Domain, United States.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <olaplex.pro> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 1, 2023. On March 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 22, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 23, 2023, 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 on March 28, 2023.

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 of the Complaint, and the proceedings commenced on April 3, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 3, 2023.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on May 9, 2023. 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 disputed domain name, <olaplex.pro>, was registered by the Respondent on November 10, 2022. At the time the complaint was filed, the disputed domain name was directing to websites with security warning of malware and phishing attempts. The disputed domain name currently resolves to a parking website containing pay-per-click (“PPC”) links related to the Complainant’s activity.

The Complainant owns the International Trademark Registration No. 1187399 OLAPLEX, registered on November 27, 2013, and United States Trademark Registration No. 4553436 OLAPLEX registered on July 17, 2014. The Complainant also owns the domain name <olaplex.com> since February 11, 2013.

The Complainant submitted an abuse report to both the Registrar and Hosting Provider of record on December 02, 2022, but received no response from either provider. The Complainant has submitted the documents supporting these claims and the Respondent has not submitted any response.

5. Parties’ Contentions

A. Complainant

The Complainant alleges that the disputed domain name <olaplex.pro> is identical or confusingly similar to the Complainant’s registered trademark OLAPLEX. The Complainant claims that the term “OLAPLEX” is a fanciful trademark and does not occur in any common language and that the term was created to represent the Complainant’s company. The Complainant further claims that the OLAPLEX trademark has become renowned in the Complainant’s field servicing customers in over a dozen global regions through a distribution network of certified, professional stylists carrying OLAPLEX products in over 25,000 locations. The Complainant also claims to be operating in the hair care industry since 2014 and that it has consistently and consecutively used the trademark OLAPLEX in relation to nearly all their products.

The Complainant claims that it uses the website “www.olaplex.com” as an online marketplace for customers to browse their OLAPLEX hair care products and services, which is evidenced from the documents submitted by the Complainant and upon visiting the website at the time of writing this decision. The Complainant has submitted a list of the domain names consisting of the trademark OLAPLEX and claims to maintain a portfolio of over 100 domain names consisting of generic Top-Level Domains (“gTLD”) and country code Top-level Domains (“ccTLD”) variations and including the said trademark. The Complainant claims to own over 100 patents for their formulas and treatments spanning the globe.

According to the Complainant, the use of the disputed domain name <olaplex.pro> increases online confusion for professional hair stylists looking to find the Complainant’s dedicated subdomain <pro.olaplex> for certified hair professionals. The Complainant alleges that the disputed domain name <olaplex.pro> is confusingly similar to the Complainant’s trademark as it uses the entirety of the Complainant’s trademark and directs consumers to an unaffiliated website of the Complainant, comprised of unauthorized OLAPLEX products and images that are otherwise protected by the Complainant’s trademark.

Further, the Complainant claims that the Respondent has no rights or legitimate interests in the disputed domain name because the Complainant has not licensed nor allowed the Respondent to use the OLAPLEX trademarks for any purpose. Moreover, the Complainant alleges the disputed domain name is also of concern on account of the illegal activities, mainly phishing and security threats. In this context, the Complainant has submitted the documents, which indicate that once the Respondent’s disputed domain name is entered into the URL bar, the user is directed to an insecure and highly unreliable SecuritySearch dialog box, widely known for phishing and malware attack. The Complainant has also alleged that the Respondent does not appear to have any legitimate connection to the OLAPLEX term and the disputed domain name is solely being used to prevent customers from navigating to the Complainant’s true OLAPLEX products. Lastly, according to the Complainant, the Respondent is not commonly known by the disputed domain name and is actively using the domain name to lead customers looking for the Complainant’s

website to a series of unrelated or unauthorized OLAPLEX product sites, thereby disrupting the business of the Complainant. The Complainant claims that its trademark has become well-known and that the Respondent has not provided any evidence of *bona fide* use of, or demonstrable preparations to use, the disputed domain name <olaplex.pro> in connection with any legitimate offering of goods or services as it is solely being used to confuse the potential customers and increase Internet traffic based on the Complainant's trademarks and company recognition.

Lastly, the Complainant alleges that the Respondent is misusing the disputed domain name to confuse customers and at times blatantly abusive, re-directions. The Complainant also alleges that the Respondent has a documented history of cybersquatting trademark domain names of other well-known companies such as *Moderna, Inc., and ModernaTX, Inc. v. Milen Radumilo*, WIPO Case No. [D2022-2654](#), *Canva Pty Ltd. v. Perfect Privacy LLC / Milen Radumilo* WIPO Case No. [D2022-0351](#), and *Compagnie Générale des Etablissements Michelin v. Milen Radumilo* WIPO Case No. [DCO2022-0115](#). The Complainant claims that the Respondent's flagrant pattern of domain registrations and appearances in over 1000 WIPO UDRP cases show an indisputable lack of legitimate interest by a repeat offender of trademark infringement. For these reasons, the Complainant believes that the disputed domain name was registered and is being used in bad faith.

The Complainant has sought that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

To transfer the disputed domain names from the Respondent, the Complainant must prove the following element as per paragraph 4(a) of the Policy:

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

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Further, since the Respondent has not submitted its reply in the case at hand, this Panel finds it appropriate case to "decide the dispute based upon the complaint" as per paragraphs 15(f) read with paragraphs 14(a) and 14 (b) of the Rules.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name, <olaplex.pro> is identical to the registered trademarks OLAPLEX, in which the Complainant has established legitimate and valid rights.

The Panel is satisfied that the Complainant has established its rights in the trademark OLAPLEX. The Complainant's trademark registration constitutes "prima facie evidence of the validity of the trademark", as held in *Backstreet Prods., v. John Zuccarini, CupcakeParty, Cupcake Real Video, Cupcake-Show and Cupcakes-First Patrol*, WIPO Case No. [D2001-0654](#). See also *Tata Motors Ltd. vs. Tata Hbx*, WIPO Case No. [D2021-0205](#) and *Tata Motors Ltd. vs. Hunny Bindra*, WIPO Case No. [D2019-2527](#).

Per section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), the applicable gTLD in the disputed domain name “.pro” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

B. Rights or Legitimate Interests

The Panel finds the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The second requirement under paragraph 4(a) of the Policy, has been fulfilled by the Complainant.

The Complainant has established *prima facie* that the Respondent has no rights or legitimate interests in the disputed domain name<olaplex.pro>, by demonstrating the following:

- i) that the Respondent is not related in any way to the Complainant;
- ii) that neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark OLAPLEX;
- iii) the Respondent used the domain name for a parking page with unrelated PPC links that divert traffic to unsafe websites not affiliated with the Complainant (Annexure 7).

The Respondent is not using the disputed domain name in connection with a *bona fide* offering of goods or services, or a legitimate noncommercial or fair use but instead the disputed domain name previously redirected to a warning that it was an unsafe site, which would pose a security threat. As per section 2.13 of [WIPO Overview 3.0](#), the use of the domain name for illegal activity, including phishing or other types of fraud can never confer rights or legitimate interests on a respondent. Moreover, the word “olaplex” itself is a fanciful trademark, not commonly found in any language and the fact that the site now provides competing PPC links leads to an inference that the Respondent would have been aware of the Complainant’s trademark.

See *Prada S.A. v. Domains For Life*, WIPO Case No. [D2004-1019](#) and *Laforêt France v. Milen Radumilo*, WIPO Case No. [D2023-0223](#).

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has convincingly demonstrated that the disputed domain name has been registered and is being used in bad faith. This finding is based on the following:

- i) that the Respondent knew the Complainant’s trademark at the moment of registration of the disputed domain name;
- ii) that the disputed domain name is deliberately being used to divert Internet users to a slew of disjointed websites, creating confusion with the Complainant’s trademark OLAPLEX and preventing the Complainant from reflecting their trademark in the disputed domain name <olaplex.pro>.

The above noted use falsely suggests an affiliation with the Complainant and may indeed confuse Internet users about the source of the disputed domain name creating a likelihood of confusion with the Complainant’s trademark and whether or not it is sponsored or otherwise endorsed by the Complainant.

The Respondent’s bad faith intention is further demonstrated in hiding his identity by using a privacy service at the time of registration of the disputed domain name. See section 3.6 of the [WIPO Overview 3.0](#).

Further, Paragraph 4(b)(ii) of the Policy provides that evidence of registration and use in bad faith exists where the Respondent has registered the domain name in order to prevent the owner of the trademark or

service mark from reflecting the mark in a corresponding domain name, provided that it has engaged in a pattern of such conduct.

In this regard, this Panel, like several other panels before, finds that the Respondent has previously registered over 150 domain names incorporating well known trade marks including: <aldi-bg.com>, <fordgm.net>, <moderna.info>, <canvaalabs.com>, and <michelingroup.co>. The Panel holds that these registrations constitute a pattern of conduct for the purposes of paragraph 4(b)(ii).

The Panel confirms that paragraph 4(b)(ii) and 4(b)(iv) is fulfilled and that the Respondent has registered and used the disputed domain name in bad faith.

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 name <olaplex.pro> be transferred to the Complainant.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: May 23, 2023