

ADMINISTRATIVE PANEL DECISION

Clarins v. chen tengyu
Case No. D2024-2813

1. The Parties

The Complainant is Clarins, France, represented by Tmark Conseils, France.

The Respondent is chen tengyu, China.

2. The Domain Name and Registrar

The disputed domain name <clarins-sell.shop> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2024. On July 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 2024, 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 (IDENTITY UNDISCLOSED) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 2024, 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 July 22, 2024.

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 July 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 13, 2024. The Respondent sent email communications to the Center on July 31, 2024, and August 1, 2024. The Center notified the Parties that it would proceed with panel appointment on August 29, 2024.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on September 9, 2024. 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, based in France, is a major international company in the cosmetics and make-up sector and has operated for more than 60 years under the brand CLARINS. The name “Clarins” constitutes also the Complainant’s registered company name, and comes from the name of its founder and the family that owns and directs the company. The Complainant operates in over 150 countries and is available at high-end department stores and selected retailers, as well as online through numerous online stores owned by either the Complainant, authorized distributors, or affiliated companies. The Panel under its general powers has consulted the Complainant’s corporate website at “www.clarins.fr.”

The Complainant owns numerous trademark registrations internationally for its CLARINS brand, including French Trademark Registration No. 1637194, registered on January 7, 1991; European Union Trade Mark Registration No. 005394283, registered on October 5, 2010; and United States of America Trademark Registration No. 73746658, registered on January 2, 1990, (collectively hereinafter referred as the “CLARINS mark”). Prior decisions under the Policy have recognized the international reputation of the CLARINS mark.¹

The Complainant further owns various domain names corresponding to its CLARINS mark, including <clarins.fr> (registered on August 19, 1996), and <clarinsusa.com> (registered on November 12, 1997), which resolve to specific websites and online stores for the French and the United States markets respectively.

The disputed domain name was registered on March 15, 2024, and it is currently apparently inactive resolving to a landing page that indicates “c***s The website is under maintenance”. According to the evidence provided by the Complainant, the disputed domain name previously resolved to a website, in French language, that reproduced the CLARINS mark at its heading and purportedly offered for sale CLARINS products at much reduced prices (up to 70% or 80% discount of their normal prices).

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the CLARINS mark because it reproduces identically this mark associated with the term “sell”, which refers to the sale of the products bearing the mark. In a similar case, *Clarins v. zheng jie*, WIPO Case No. [D2024-0341](#), rendered regarding the domain name <clarins-sale.shop>, the Panel confirmed the confusing similarity of this domain name with the CLARINS mark.

The Complainant further contends the Respondent has no rights or legitimate interests in respect of the disputed domain name, as he is not affiliated to the Complainant, has never been authorized to use the CLARINS mark, and is not making a fair use of the disputed domain name. The disputed domain name is

¹See, e.g., *Clarins v. Privacy Service Provided by Withheld for Privacy ehf / Do Thanh Luan*, WIPO Case No. [D2022-1322](#); *Clarins v. Privacy Service Provided by Withheld for Privacy ehf / Do Thanh Luan, Lilla Group*, WIPO Case No. [D2022-1178](#); *Clarins v. rene yomgne*, WIPO Case No. [D2019-2631](#); or *CLARINS v. Andre Schneider/ DomCollect AG*, WIPO Case No. [D2014-0595](#).

used in connection to a website that reproduces the Complainant's corporate website and offers infringing cosmetic products at a much lower price than the authentic ones. This site reproduces the CLARINS mark and uses the same images used in the Complainant's official website for promoting its products, clearly seeking to generate confusion and affiliation, which cannot constitute a bona fide commercial use.

The disputed domain name was registered and is being used in bad faith. Due to the well-known character of the CLARINS mark, and the use of the disputed domain, the Respondent obviously knew about this reputed mark, registered and used the disputed domain name in bad faith. The disputed domain name has been used for creating a likelihood of confusion with the Complainant's trademark and its official websites, and it may also be used to harvest usernames and passwords of the Complainant's clients. In a short time, various domain names incorporating the CLARINS mark with the generic Top-Level-Domain ("gTLD") ".shop" have been registered and used for knock-off version of the Complainant's official websites, which have been transferred to the Complainant through various decisions under the Policy.²

B. Respondent

The Respondent did not reply to the Complainant's contentions. On the contrary, in various email communications to the Center on July 31, 2024 (two emails), and August 1, 2024 (one email), the Respondent indicated, "I agree to transfer the domain name."

6. Discussion and Findings

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, inter alia, in paragraph 10 of the Rules.

Respondent's Consent

In cases where the respondent has given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.10.

The Panel notes the Respondent gave his unilateral, unequivocal and reiterated consent for the remedy requested by the Complainant, the transfer of the disputed domain name. The Respondent sent up to three email communications to the Center indicating its consent to the transfer of the disputed domain.

Therefore, the Panel finds there is no need to proceed to a substantive decision on the merits, the Respondent agrees to the remedy requested by the Complainant, and the Panel gives effect to such agreement of the Parties.

However, the Panel wishes to emphasize this is a clear case of bad faith under the Policy. The Panel finds, based on the evidence presented, disputed domain name is confusingly similar to the reputed CLARINS mark, the Respondent lacks rights or legitimate interests, and the disputed domain name has been registered and used in bad faith. The three elements in paragraph 4(a) of the Policy have been established by the Complainant.

²The Complainant cites the domain names <clarins-sale.shop> (WIPO Case No. [D2024-0341](#), of March 17, 2024); <clarins-outlet.shop> (WIPO Case No. [D2024-0228](#), of March 12, 2024); and <clarinsfr-outlet.shop> (WIPO Case No. [D2024-0342](#), of March 19, 2024).

Due to the reputation of the CLARINS mark, and the use of the disputed domain name (in connection to a website that reproduces this mark at its heading, imitates the Complainant's website, and includes copyrighted images of the Complainant's products), the Panel finds Respondent clearly acted in bad faith targeting the Complainant, its trademark, and its products.

Furthermore, the extremely discounted prices of the products offered at the Respondent's website (with up to 70% or 80% discounts), lead the Panel to consider, according to the Complainant's allegations, these products are counterfeits. The use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent and constitutes bad faith under the Policy, and the current apparent passive holding of the disputed domain name does not prevent a finding of bad faith. [WIPO Overview 3.0](#), sections 2.13.1, 3.3, and 3.4.

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 <clarins-sell.shop> be transferred to the Complainant.

/Reyes Campello Estebarez/

Reyes Campello Estebarez

Sole Panelist

Date: September 18, 2024