

ADMINISTRATIVE PANEL DECISION

Estee Lauder Inc., Estee Lauder Cosmetics Ltd, Makeup Art Cosmetics Inc.
v. Domain Ecommerce, Tolik Ebolik, TolikBinc
Case No. D2024-3331

1. The Parties

The Complainants are Estee Lauder Inc., United States of America (“United States” or “U.S.”), Estee Lauder Cosmetics Ltd, Canada, and Makeup Art Cosmetics Inc., United States, represented by Corsearch, United States.

The Respondents are Domain Ecommerce, United Kingdom, self-represented, and Tolik Ebolik, TolikBinc, Ukraine, self-represented.

2. The Domain Names and Registrar

The disputed domain names <beautifulmagnoliaesteelauder.shop>, <bronzegoddesseesteelauderparfum.shop>, <elcesteelauder.shop>, <esteelauderadvancednightrepaireye.shop>, <esteelauderadvancednightrepairserum.shop>, <esteelauderadvancednightrepair.shop>, <esteelauderbeautifulbelle.shop>, <esteelauderbeautifulmagnolia.shop>, <esteelauderbeautifulperfume.shop>, <esteelauderbeautiful.shop>, <esteelauderblackfriday.shop>, <esteelauderblockbuster.shop>, <esteelauderblush.shop>, <esteelauderbronzegoddess.shop>, <esteelauderbronzer.shop>, <esteelaudercleanser.shop>, <esteelaudercologne.shop>, <esteelaudercompagnie.shop>, <esteelauderconcealer.shop>, <esteelauderdaywearsheertint.shop>, <esteelauderdaywear.shop>, <esteelauderdoublewearconcealer.shop>, <esteelauderdoublewearlight.shop>, <esteelauderdoublewearsheer.shop>, <esteelauderdoublewear.shop>, <esteelauderdoublewearswatch.shop>, <esteelauderdoublewear2n1.shop>, <esteelauderesteepperfume.shop>, <esteelaudereyeserum.shop>, <esteelaudereye.shop>, <esteelauderfuturist.shop>, <esteelaudergoddessbronze.shop>, <esteelauderidealistshop>, <esteelauderjohnlewis.shop>, <esteelauderknowingperfume.shop>, <esteelauderlipgloss.shop>, <esteelaudermakeup.shop>, <esteelaudermascara.shop>, <esteelaudermicroessence.shop>, <esteelaudernightrepaireye.shop>, <esteelaudernightrepairserum.shop>, <esteelaudernightrepair.shop>, <esteelaudernightserum.shop>, <esteelaudernutritious.shop>, <esteelauderparfum.shop>, <esteelauderperfectionistpro.shop>, <esteelauderperfectionist.shop>, <esteelauderperfectlyclean.shop>, <esteelauderperfume.shop>, <esteelauderpleasuresperfume.shop>, <esteelauderpleasures.shop>, <esteelauderpowder.shop>, <esteelauderprimer.shop>, <esteelauderprivatecollection.shop>, <esteelauderrenutriv.shop>, <esteelauderrevitalizingsupreme.shop>.

<esteelaudersale.shop>, <esteelauderscents.shop>, <esteelauderssensuousperfume.shop>, <esteelauderssensuous.shop>, <esteelaudersserum.shop>, <esteelaudersskincare.shop>, <esteelauderwhitelinen.shop>, <esteelauderyouthdew.shop>, <esteelauderyouthpowercreme.shop>, <knowingesteelauder.shop>, <maccosmeticscompany.store>, <mac-cosmetics.shop>, <macfoundation.store>, <maclipstick.store>, <macmakeupcompany.store> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2024. On August 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 14, 2024, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 15, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 19, 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 August 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2024. The Response was filed with the Center on August 28, 2024. The Complainant sent an email communication to the Center on September 11, 2024. The Respondent sent an email communication to the Center on September 13, 2024.

The Center appointed John Swinson as the sole panelist in this matter on September 19, 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 First Complainant, Estee Lauder Inc., has marketed and sold cosmetics, skin care, and fragrances products throughout the U.S. under the ESTEE LAUDER and MAC trademarks. It was founded by Mrs. Estée Lauder in 1946. The MAC brand has been part of the Estée Lauder group of companies since 1994.

The Complaint identifies “The Estée Lauder Companies” as the parent company of the First Complainant. The Complaint did not provide any information about the Second Complainant (Estee Lauder Cosmetics Ltd of Canada) or the Third Complainant (Makeup Art Cosmetics Inc.) or how they are related. Through independent search, the Panel assumes that they are all part of the same company group considering they are all listed “brands” under the same parent company, “The Estée Lauder Companies”.

The First Complainant owns U.S. Reg. No. 530305 for the stylized mark ESTEE LAUDER registered on September 5, 1950.

The Second Complainant owns U.S. Reg. No. 1642532 for the stylized mark MAC, registered on April 30, 1991.

In this decision, all the Complainants will be hereafter referred to as “the Complainant”.

The Respondent Domain Ecommerce specializes in the registration and technical management of domain names on behalf of third-party domain owners.

The disputed domain names were all registered between March 2024 and June 2024. The majority of the disputed domain names were registered on June 11, 2024 and June 15, 2025.

At the time the Complaint was filed, all disputed domain names (except <mac-cosmetics.shop> and <esteelauderparfum.shop> which were inactive) resolved to similar looking websites. The resolving websites were the same, or virtually the same. When the Complaint was filed, those websites featured a slogan “unleash your inner beauty” and a range of goods apparently being offered for sale. Some of these were the Complainant’s products but many were products of third parties, including cosmetics. When selecting certain products, the user is taken to an Amazon website to purchase the product. It appears that the Respondent Domain Ecommerce is in an Amazon affiliate program and collects referral fees for referring website users to the Amazon website.

At the present time, the disputed domain names do not resolve to an active website.

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 names.

Notably, the Complainant contends that each active website at a disputed domain name is identical and features the same range of goods apparently being offered for sale; some are the Complainant’s products, but many are products of third parties, including cosmetics products. If a user clicks on an item, the user is redirected through affiliate links to Amazon.com where the products can be purchased. The Respondent has intentionally chosen the disputed domain names based on the Complainant’s well-known registered trademarks to generate traffic to the websites that contains sponsored links to Amazon.com.

Given the world-wide fame of the Complainant and its marks, and the fact that the disputed domain names fully incorporate the ESTEE LAUDER and MAC marks in addition to offering the Complainant’s products and competing products, it is obvious that the Respondent had actual knowledge of the Complainant and its marks.

The Respondent has configured the disputed domain names to enable delivery of email communications, as demonstrated by the MX records. The MX records associated with the disputed domain names indicate that the Respondent has or intends to use the disputed domain names for email and strongly suggests that the Respondent plans to use such email for phishing or spam given the lack of affiliation with the Complainant or authorization to use the Complainant’s marks.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

In summary, the Respondent contends that the Respondent registered the disputed domain names on behalf of an independent third-party owner who intended to use them for a legitimate purpose unrelated to the

Complainant's business. The Respondent's domain names use descriptive terms that indicate the specific focus of the website, thereby reducing the likelihood of confusion among consumers.

The domain owner's website may engage in affiliate marketing, provide product reviews, offer informational content, or operate an online store, all of which are legitimate business activities that do not infringe upon the Complainant's trademark rights. The websites clearly disclose their purpose, and the domain owner has never attempted to pass itself off as the Complainant or to mislead consumers into believing that the site is affiliated with the Complainant.

In the *Oki Data* case, it was determined that a legitimate interest can be established if the domain name is used for genuine commercial or informational purposes, especially when the site offers content or services that are independent of the trademark holder.

Domain names are registered by the Respondent in its capacity as a technical management service provider on behalf of independent third-party domain owners, who operate their website in good faith. The Respondent is not involved in the content or operational use of the disputed domain names beyond technical, registration and management duties.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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.

The onus of proving these elements is on the Complainant.

An asserting party needs to establish that it is more likely than not that the claimed fact is true. An asserting party cannot meet its burden by simply making conclusory statements unsupported by evidence. To allow a party to merely make factual claims without any supporting evidence would essentially eviscerate the requirements of the Policy as both complainants or respondents could simply claim anything without any proof. For this reason, UDRP panels have generally dismissed factual allegations that are not supported by any bona fide documentary or other credible evidence. *Snowflake, Inc. v. Ezra Silverman*, WIPO Case No. [DIO2020-0007](#); *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The Complaint is filed in relation to 72 disputed domain names. Of these, according to the Registrar's records one disputed domain name (being <mac-cosmetics.shop>) is owned by Tolik Ebofik. The other 71 disputed domain names, according to the Registrar's records, are owned by Domain Ecommerce.

The Complainant asserts that all the disputed domain names are controlled by a single person or entity. All the disputed domain names were registered with the one registrar, use Cloudflare, and were all registered

between March 2024 and June 2024. The majority of the disputed domain names were registered on June 11, 2024 and June 15, 2025. Additionally, all except five of the disputed domain names have the same MX records.

The disputed domain name registrant Tolik Ebolik did not comment on the Complainant's request.

The disputed domain name registrant Domain Ecommerce states that it manages the registration and technical management of domain names on behalf of third party domain name owners, and that each disputed domain name "is owned and operated by different independent parties, and each has its unique circumstances and usage...". Domain Ecommerce also states that Tolik Ebolik "is a single customer within our portfolio and does not own multiple domains." Domain Ecommerce also submits that there is no evidence to suggest that the registration or use of the disputed domain names is coordinated in a manner that would warrant consolidation. Each disputed domain name operates under separate ownership with distinct purposes and content, are used for different purposes, and features unique branding. Domain Ecommerce also submits that "The existence of numerous similar-looking sites underscores that similarity in appearance does not inherently indicate a connection, bad faith, or infringement. Each site is managed independently, with distinct content and purposes tailored to their respective owners' objectives. Therefore, the similarity in design among the disputed domains does not justify treating them as a single case."

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel has inspected screenshots of the websites at the disputed domain names as provided by the Complainant. The websites (except for <mac-cosmetics.shop> and <esteelauderparfum.shop>) look very similar, with the same design and images. Each website includes a large banner that includes the slogan "unleash your inner beauty". With respect to the disputed domain names <mac-cosmetics.shop> and <esteelauderparfum.shop>, the screenshots provided by the Complainant do not reflect any active websites being hosted thereon.

In respect of the 71 disputed domain names held in the name of Domain Ecommerce, the Registrar has confirmed that each of these disputed domain names is registered in the name of a single entity. Accordingly, the requirements of paragraph 3(c) of the Rules are formally met for these 71 disputed domain names. Moreover, the websites at each of these disputed domain names are virtually identical.

In respect of the <mac-cosmetics.shop> disputed domain name, there is no active website for the Panel to consider. This disputed domain name was registered on a date that is different to each of the other disputed domain names. The Panel finds that there is insufficient evidence to connect this disputed domain name and Tolik Ebolik to the 71 other disputed domain names in this case.

Accordingly, the Panel considers that <mac-cosmetics.shop> registered in the name of Tolik Ebolik cannot be consolidated with the other disputed domain names in this case. Thus, the proceeding is dismissed regarding <mac-cosmetics.shop> without prejudice to the filing of a new complaint regarding that domain name.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes regarding the other 71 disputed domain names would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the asserted different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding, other than in respect of <mac-cosmetics.shop>.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of two trademarks or service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds either the Complainant's ESTEE LAUDER mark or MAC mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to one of these marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Respondent relies on *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (the "Okidata test"). It was difficult to understand the Respondent's arguments in respect of the Okidata test, potentially, the Response may have been prepared by an AI program. Regardless, the Okidata test does not apply here because the Respondent using the disputed domain names to advertise a range of products, not merely the Complainant's products. See, for example, *L'Oréal v. Joe Lucas*, WIPO Case No. [D2024-2472](#); and *Shiseido Americas Corporation v. Domain Ecommerce*, WIPO Case No. [D2024-3404](#) (involving the same Respondent and a cosmetics website with the text "unleash your inner beauty").

The Okidata test is not satisfied.

Furthermore, the use of disputed domain names containing the Complainant's distinctive trademarks as vehicles to attract traffic to websites advertising a range of goods, and with affiliate site links to goods not just of the Complainant but third parties, does not qualify as a good faith offering of goods and services under the Policy. While the disputed domain name <esteelauderparfum.shop> has never resolved to any website, and most of the remaining disputed domain names currently do not, such non-use clearly does not represent a bona fide offering and given the composition of the disputed domain names that combines the Complainant's trademarks with terms descriptive of the cosmetics industry within which the trademarks are registered, such composition cannot constitute fair use.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

In the present case, the Panel notes that the Complainant's marks are famous, and the Respondent created websites that advertised the Complainant's products. Moreover, the disputed domain names include other terms associated with the Complainant, such as "bronze goddess" which refers to a brand of scent sold by the Complainant and "markup" which refers to a type of product sold by the Complainant. Clearly, the Respondent was aware of the Complainant when registering the disputed domain names.

The use of disputed domain names containing the Complainant's distinctive trademarks to attract traffic to websites advertising a range of goods, and with affiliate site links to goods not just of the Complainant but third parties, is evidence of bad faith registration and use under paragraph 4(b)(iv) of the Policy.

Further, the Respondent has tried to "corner the market" by registering 71 domain names that include the Complainant's marks. This is evidence of bad faith registration and use under paragraph 4(b)(ii) of the Policy.

The current status of the disputed domain names (not resolving to an active website) does not prevent a finding of bad faith, given the Respondent's attempt to corner the market (as discussed above) in respect of domain names involving the ESTEE LAUDER and MAC trademarks. [WIPO Overview 3.0](#), section 3.3.

The Panel finds that the Complainant has established the third element of the Policy.

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 <beautifulmagnoliaesteelauder.shop>, <bronzegoddessesteelauderparfum.shop>, <elesteelauder.shop>, <esteelauderadvancednightrepaireye.shop>, <esteelauderadvancednightrepairserum.shop>, <esteelauderadvancednightrepair.shop>, <esteelauderbeautifulbelle.shop>, <esteelauderbeautifulmagnolia.shop>, <esteelauderbeautifulperfume.shop>, <esteelauderbeautiful.shop>, <esteelauderblackfriday.shop>, <esteelauderblockbuster.shop>, <esteelauderblush.shop>, <esteelauderbronzegoddess.shop>, <esteelauderbronzer.shop>, <esteelaudercleanser.shop>, <esteelaudercologne.shop>, <esteelaudercompagnie.shop>, <esteelauderconcealer.shop>, <esteelauderdaywearsheertint.shop>, <esteelauderdaywear.shop>, <esteelauderdoublewearconcealer.shop>, <esteelauderdoublewearlight.shop>, <esteelauderdoublewearsheer.shop>, <esteelauderdoublewear.shop>, <esteelauderdoublewearswatch.shop>, <esteelauderdoublewear2n1.shop>, <esteelauderesteeparfume.shop>, <esteelaudereyeserum.shop>, <esteelaudereye.shop>, <esteelauderfuturist.shop>, <esteelaudergoddessbronze.shop>, <esteelauderidealiste.shop>, <esteelauderjohnlewis.shop>, <esteelauderknowingperfume.shop>, <esteelauderlipgloss.shop>, <esteelaudermakeup.shop>, <esteelaudermascara.shop>, <esteelaudermicroessence.shop>, <esteelaudernightrepaireye.shop>, <esteelaudernightrepairserum.shop>, <esteelaudernightrepair.shop>, <esteelaudernightserum.shop>, <esteelaudernutritious.shop>, <esteelauderparfum.shop>, <esteelauderperfectionistpro.shop>, <esteelauderperfectionist.shop>, <esteelauderperfectlyclean.shop>, <esteelauderperfume.shop>, <esteelauderpleasuresperfume.shop>, <esteelauderpleasures.shop>, <esteelauderpowder.shop>, <esteelauderprimer.shop>, <esteelauderprivatecollection.shop>, <esteelauderrenutriv.shop>, <esteelauderrevitalizingsupreme.shop>,

<esteelaudersale.shop>, <esteelauderscents.shop>, <esteelaudersensuousperfume.shop>, <esteelaudersensuous.shop>, <esteelauderserum.shop>, <esteelauderskincare.shop>, <esteelauderwhitelinen.shop>, <esteelauderyouthdew.shop>, <esteelauderyouthpowercreme.shop>, <knowingesteelauder.shop>, <maccosmeticscompany.store>, <macfoundation.store>, <maclipstick.store>, <macmakeupcompany.store> be transferred to the Complainant.

For the foregoing reasons, the Complaint is denied in respect of <mac-cosmetics.shop> without prejudice.

/John Swinson/

John Swinson

Sole Panelist

Date: October 3, 2024