

ADMINISTRATIVE PANEL DECISION

Bubble Beauty, Inc. DBA Bubble Skincare v. 卢剑锋 (jianfeng lu)
Case No. D2024-3832

1. The Parties

The Complainant is Bubble Beauty, Inc. DBA Bubble Skincare, United States of America (“United States” or “U.S.”), represented by Meister Seelig & Fein LLP, United States.

The Respondent is 卢剑锋 (jianfeng lu), China.

2. The Domain Name and Registrar

The disputed domain name <bubbleskincareus.com> is registered with Jiangsu Bangning Science & technology Co. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2024. On September 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 26, 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 in English on the same day.

On September 26, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On September 26, 2024, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 October 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2024.

The Center appointed Jonathan Agmon as the sole panelist in this matter on October 28, 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 is a global retailer of skincare products incorporated in Delaware, United States, and headquartered in New York, United States. Founded in 2018, the Complainant produces a line of skincare products, which are sold in over 12,000 stores nationwide in the United States, including Walmart, and CVS. The Complainant's products are also sold worldwide through online channels such as Amazon and the Complainant's official website.

The Complainant maintains an active social media presence through various platforms such as TikTok, Instagram, and YouTube, with 2.7 million followers, 634,000 followers, and 270,000 subscribers, respectively.

The Complainant states that it started using the BUBBLE marks as early as 2018.

The Complainant owns United States trademark registration no. 7043262 for BUBBLE SKINCARE, registered on May 2, 2023.

The Complainant's official domain name, <hellobubble.com>, was registered on May 20, 2019.

The disputed domain name was registered on July 26, 2023, and currently resolves to a website that closely resembles the Complainant's official website, purportedly offering, amongst others, the Complainant's goods at substantial discounts.

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 consists of the Complainant's BUBBLE SKINCARE trademark in its entirety with the addition of the suffix "us", which is a common abbreviation for the United States. The addition of the "us" suffix does not prevent a finding of confusing similarity with the Complainant's trademark as the Complainant's BUBBLE SKINCARE trademark is clearly recognizable within the disputed domain name.
- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name. To the best of the Complainant's knowledge, the Respondent also does not possess any trademark rights to either BUBBLE or BUBBLE SKINCARE. The Respondent has never been authorized by the Complainant to use any of the Complainant's trademarks in any way, including applying for the disputed domain name. According to the Complainant, the Respondent's

use of the disputed domain name does not amount to a bona fide offering of goods or services as the Respondent is using the disputed domain name to direct Internet users to a competing site. Further, the Complainant's trademarks are prominently displayed on the Respondent's website, and there is no credible or legitimate intent of the Respondent that would not capitalize on the reputation and goodwill of the Complainant's trademarks.

- The disputed domain name was registered and is being used in bad faith. The Complainant's trademarks are famous marks, and the Respondent has no colorable argument that he is unaware of the Complainant at the time of registration of the disputed domain name. The disputed domain name resolves to a website imitating the Complainant's own website. The Respondent's website prominently displays the Complainant's trademarks, and offers for sale products bearing the Complainant's trademark for sale at significant discounts. This demonstrates that the Respondent was well aware of the Complainant and its trademarks at the time of registration of the disputed domain name, and the Respondent is therefore trading on the goodwill associated with the Complainant. The disputed domain name was intended to attract and redirect Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's trademarks and products offered for sale. The Respondent also substituted the Complainant's contact details on the Respondent's website with the Respondent's own contact details. This, according to the Respondent, is intended to fraudulently phish data from unsuspecting consumers who may attempt to purchase products bearing the Complainant's trademarks from the Respondent's website. The Complainant asserts that the Respondent is engaging in disrupting the Complainant's business by diverting business and prospective customers away from the Complainant and its own goods and services. This is evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- 1) The Complainant is located in the United States, where English is the primary language;
- 2) The Complainant does not understand Chinese;
- 3) If the Chinese language were to be the language of the proceedings, the Complainant would be required to use, and bear high costs for a professional translation service, which would cause unnecessary delays, and is unfair to the Complainant, and is also contrary to the purpose of the proceeding;
- 4) The Respondent is likely able to understand English as the disputed domain name comprises of Latin characters and English words;
- 5) The Respondent is likely able to understand English as the Respondent's website contains solely of English words, with no other languages referenced or available; and

6) The contact details listed on the Respondent's website are in English, with the telephone number bearing the country code of the United States.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term, here, "us" may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 name. 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 name such as those enumerated in the Policy or otherwise.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant's registration of its trademark predates the registration of the disputed domain name. The disputed domain name resolves to a website displaying the Complainant's BUBBLE SKINCARE trademark and is offering for sale what appears to be highly discounted goods bearing the Complainant's BUBBLE trademark. There is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate purpose.

Panels have held that the use of a domain name for illegitimate activity, here, as applicable to this case: impersonation/passing off, can never confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the disputed domain name shortly after the Complainant registered its BUBBLE SKINCARE trademark in the U.S. but some years after the Complainant has started to use its BUBBLE mark online. Given the specific use the Respondent is making of the Complainant's BUBBLE SKINCARE trademark, including the use of the specific font, form and shape used by the Complainant, it is highly unlikely that the Respondent was not aware of the Complainant and its trademark prior to the registration of the disputed domain name.

Moreover, the specific use of the BUBBLE SKINCARE trademark in the exact same font, form and shape used by the Complainant is strong evidence that the Respondent was targeting the Complainant and its trademarks. The skincare goods offered on both sites look similar and the fact that these are selling at a steep discount on Respondent's website is strong evidence of bad faith registration and use, and is a typical case of cybersquatting.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel notes that the Respondent previous pattern of conduct, having been the subject of previous UDRP proceedings, and draws an adverse inference accordingly.

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 name <bubbleskincareus.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: November 11, 2024