

DISPUTE RESOLUTION SERVICE

D00023199

Decision of Independent Expert

L'Oréal

and

Jurgen Neeme

1. The Parties:

Lead Complainant: L'Oréal
14 rue Royale
Paris
France
75008
France, Metropolitan

Respondent: Jurgen Neeme
Koorti 12-10
Tallinn
Harju
13623
Estonia

2. The Domain Name(s):

lancome-perfectskin.co.uk (the "Domain Name")

3. Procedural History:

I can confirm that I am independent of each of the parties. To the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of a such a nature as to call in to question my independence in the eyes of one or both of the parties.

19 November 2020 18:02	Dispute received
20 November 2020 11:20	Complaint validated
20 November 2020 11:22	Notification of complaint sent to parties
09 December 2020 01:30	Response reminder sent
14 December 2020 12:33	No Response Received
14 December 2020 12:33	Notification of no response sent to parties
28 December 2020 01:30	Summary/full fee reminder sent
29 December 2020 16:40	Expert decision payment received

4. Factual Background

The Complainant, L'Oréal, is a French industrial group specialized in the field of cosmetics and beauty and is the first cosmetics group worldwide. It has a portfolio of 36 brands, employs 86,000 employees, and is present in 150 countries. Lancôme Parfums Beauty et Cie is a subsidiary of L'Oréal. It is the number one luxury beauty brand in the selective women skincare and makeup market. Lancôme is number one in anti-ageing skincare.

The Complainant owns various trade mark registrations for the word "LANCÔME" including European Union Intellectual Property Office Trade Mark No. 005405279, dated October 18, 2007, in classes 3, 18 and 25. The Complainant has operated the domain names <lancome.co.uk> and <lancome.com>, among others, reflecting its trade mark, since October 18, 1996 and July 8, 1997 respectively.

The Respondent registered the Domain Name on October 22, 2017.

The Domain Name resolves to a parking page displaying commercial links related to the Complainant's field of activity, some pointing to LANCÔME cosmetic products and others to the products of competitors.

5. Parties' Contentions

Complaint

The Complaint alleges as follows:

The Domain Name <lancome-perfectskin.co.uk> incorporates entirely Complainant's trademark LANCÔME associated with the generic terms "perfect" and "skin" intersected by a hyphen, along with the ccTLD ".co.uk" which does not prevent any likelihood of confusion. On the contrary, Complainant alleges, the use of these terms increases the likelihood of confusion since they target directly Complainant's field of activity within the cosmetics industry. Internet users may be led into believing that the disputed domain name directs to the official website offering Complainant's products marketed in the United Kingdom.

The Domain Name features the generic and descriptive words "perfect skin" added to the trademark LANCÔME. The full inclusion of Complainant's trademark in combination with these generic terms enhances the false impression that the domain name in dispute is officially related to Complainant while it is not. The Domain Name was registered anonymously.

Previous Panels have already considered that the addition of a generic term to a widely known trademark does not prevent the likelihood of confusion (NOMINET Case No. D00012322, *Pertemps Limited v. Quick Pertemps*, NOMINET Case No. D00010778, *Cosmetic Research Group v. Brainfilled Solutions LLC*, NOMINET Case No. D00012696, *L'Oréal SA v. Timothy Schmidt*).

Panels have come to the conclusion that hyphenation in domain names is insufficient to distinguish the Respondent's domain names from the Complainant's mark because the dominant portion of each domain name is the Complainant's trademark LANCÔME. Moreover, the ccTLD <.uk> is insufficient to distinguish the disputed domain name from Complainant's trademarks.

For all the above-mentioned reasons, Complainant has rights in respect of a name or mark which is similar or identical to the disputed domain name.

Respondent is neither affiliated with Complainant in any way nor has he been authorized by the Complainant to use and register its trademarks, or to seek registration of any domain name incorporating said trademarks.

Respondent is not commonly known by the Domain Name or by the name "LANCÔME".

Respondent is not using and has not made demonstrable preparations to use the Domain Name in connection with a genuine offering of goods or services, in accordance with paragraph 8.1.1.1 of the DRS Policy. Rather, the Domain Name <lancome-perfectskin.co.uk> directs towards a parking page displaying commercial links related to Complainant's cosmetics products. The Domain Name is so confusingly similar to Complainant's LANCÔME trademark and its activities that Respondent cannot reasonably pretend it was developing a legitimate activity through the Domain Name.

The composition of Domain Name <lancome-perfectskin.co.uk> reproducing entirely Complainant's distinctive trademark LANCÔME, associated to the non-distinguishing terms "perfect" and "skin", clearly demonstrates that Respondent knew about Complainant, its trademarks and activities at the time of registration of the Domain Name.

Respondent had the Complainant in mind when he registered the Domain Name. As held by the Panel in NOMINET D00011954 *Skyscanner Limited and Hostnexus Websolutions*, this indicates an intention to use the domain name to make a profit, or as a blocking registration or to take advantage of the Complainant's goodwill. All of these would disrupt the Complainant's business and take unfair advantage and cause detriment to it and this finding alone may be sufficient to decide that the domain name in the hands of Respondent is an abusive registration.

It is more likely than not that Respondent's primary motive in registering and using the Domain Name was to capitalize on or otherwise take advantage of Complainant's trademark rights, through the creation of initial interest of confusion. Likewise, the Domain Name directs Internet users to a parking page with pay-per-click links which are likely to generate revenues. Hence, it cannot be inferred that Respondent is making a legitimate non-commercial or fair use of disputed domain name (NOMINET Case No. D00018787, *Novartis AG v. Zhao Ke* and NOMINET Case No. D00011901, *Accor v. Webdreams Llc*).

It is inconceivable that Respondent did not have Complainant's trademarks in mind at the time of registration of the Domain Name. It is most likely that Respondent acquired the Domain Name <lancome-perfectskin.co.uk> based on the attractiveness of the trademark LANCÔME to confuse Internet users into believing that the Domain Name is registered by Complainant and will direct them to a website relating to Complainant's products offered in the United Kingdom.

A legitimate non-commercial or fair use of the Domain Name as per paragraph 8.1.1.3 of the DRS Policy cannot be inferred due to Respondent's clear intention for commercial gain.

The Complainant further notes that Respondent, Jurgen Neeme, is a well-known cybersquatter that has been the subject of numerous complaints filed against him where the decisions rendered were in favour of the Complainants. *See, e.g.,* WIPO Case No. D2020-2088, *Carrefour SA v. Jurgen Neeme, hello@thedomain.io, Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Silvia Neeme and Jay Neeme*, WIPO Case No. D2020-0137, *Payoneer, Inc. v. Jurgen Neeme*, WIPO Case No. D2019-1582, *Facebook, Inc., Instagram, LLC, WhatsApp Inc., Facebook Technologies, LLC v. Jurgen Neeme, hello@thedomain.io and Jay Neeme*, WIPO Case No. D2018-1125, *Verizon Trademark Services LLC v. Juergen Neeme, TheDomain.io*.

For the reasons above, it is evident that the Domain Name, in the hands of the Respondent, is an Abusive Registration.

Response

The Respondent did not file a Response.

6. Discussions and Findings

Paragraph 2 of the Policy requires that Complainant prove on the balance of probabilities it has Rights in respect of a name or mark which is identical or similar to the Domain Name, and the Domain Name, in the hands of the Respondent, is an Abusive Registration.

Complainant's Rights

Complainant has adduced evidence of its registrations of the "LANCÔME" trade mark, which substantially predate the Respondent's registration of the Domain Name.

The Complainant has established Rights in the LANCÔME mark by virtue of its registered trade marks for that term.

The Domain Name <**lancome-perfectskin.co.uk**> incorporates entirely Complainant's LANCÔME mark associated with the generic terms "perfect" and "skin" intersected by a hyphen, along with the ccTLD ".co.uk", which is directly referable to the Complainant's field of activity within the cosmetics industry.

Accordingly, I find that the Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name.

Abusive Registration

The Domain Name <lancome-perfectskin.co.uk> incorporates entirely Complainant's LANCÔME mark in association with the generic terms "perfect" and "skin", which is directly referable to the Complainant's field of activity within the cosmetics industry. There can be little question but that Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with Complainant – and Respondent has defaulted and has not sought to refute that such is the case.

Complainant has submitted several decisions of domain name panels which have found against the Respondent, Jurgen Neeme. The decisions follow a similar pattern. In each such decision that I reviewed, the disputed domain names registered by Respondent involve well-known trade marks that were deemed likely to attract Internet users by creating a likelihood of confusion with the complainant's marks. Several decisions involved multiple domain names found to be under common control by the Respondent acting along with others (one complaint was directed against 23 domain names). The disputed domain names resolved to parking or pay-per-click websites, often containing links to competitors' websites. Furthermore, the Respondent, Jurgen Neeme, did not reply to the complainants' contentions, but defaulted and submitted no Response in each of those decisions, as in the present case.

I find that the Respondent, Jurgen Neeme, has been shown by Complainant to be a serial cybersquatter engaged in a pattern of registrations where he is the registrant of domain names which correspond to well-known trade marks in which the Respondent has no apparent rights, and the Domain Name is part of that pattern.

For the reasons stated, I find that the Domain Name is an Abusive Registration in that it has been registered and/or used in a manner which took unfair advantage of or was unfairly detrimental to the Complainant's Rights.

7. Decision

I find that the Complainant has Rights in a mark which is identical or similar to the Domain Name and that the Domain Name, in the hands of the Respondent, is an Abusive Registration. I therefore direct that the Domain Name be transferred to the Complainant.

Signed



Dated

04 January 2021