

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0019

Also in PDF C2025-0019

1. The Complainant

The Complainant is L'Oréal, having its office at 14 rue Royale 75008 Paris, France. The Complainant has initiated the Complaint vide their authorized representative, Dreyfus & associés, with their address at 78, avenue Raymond Poincaré, 75116 Paris, France

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <ceravepakistan.pk>, hereinafter referred to as the Disputed Domain Name ["the DDN"].

PKNIC has informed DNDRC that the DDN is registered by Israr Ul Haq with the contact name Naeem Waqas, with their address at H 69 C Block Ahmed housing scheme, Lahore and that the email address provided at the time of registration of the DDN is naeem.waqasn@gmail.com.

3. Procedural History

DNDRC was informed of the Complaint against the Respondent in accordance with the PKNIC - Internet Domain Registration Policy upon receiving notification from the Complainant, on 14 February 2025. DNDRC completed an administrative review of the Complaint and communicated the same to the Complainant on 25 February 2025.

Upon the Complainant's fulfillment of the procedural obligations on 05 March 2025, DNDRC formally requested the Respondent's registration details from PKNIC on 12 March 2025. PKNIC provided the requested details on 17 March 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 15 April 2025, enclosing a copy of the Complaint and a Response Form, informing the Respondent that failure to submit a

Response within 10 days would result in the dispute proceeding ex parte. DNDRC issued a reminder to the Respondent to file the Response Form on 22 April 2025. The Respondent filed the Response Form on 24 April 2025.

The Complaint sought an extension for the case from being referred to the Arbitrator on 25 April 2025 until 29 May 2025 in an effort to resolve the matter amicably with the Respondent. The Complainant submitted a rejoinder on 26 May 2025.

The Complaint, along with all relevant material was referred to the appointed arbitrator for review and decision on 08 July 2025. The arbitrator completed the review and issued a decision on 29 July 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 29 July 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Willayat Ali Shah as the sole Arbitrator who has verified that the Complaint satisfies the formal requirements of the Policy and the Rules.

Factual Background

4. Parties Contentions

(a) Complainant

The Complainant's brief contentions are reproduced below:

Complainant, L'Oréal, is a French industrial group specialized in the field of cosmetics and beauty and is the first cosmetics group worldwide.

*Created in 1909 by a French chemist by the same name, L'Oréal is today one of the world's largest groups in the cosmetics business. It has a portfolio of 36 brands, employs 86,000 employees, and is present in 150 countries (**Annex 3**).*

L'Oréal is richly endowed with a portfolio of international brands that is unique in the world and that covers all the lines of cosmetics: hair care, colouring, skin care, make-up and perfume. Complainant's brands are managed within the group by divisions that each have expertise in their own distribution channel. This organization is one of L'Oréal's major strengths. It makes it possible to respond to every consumer's expectation according to their

habits and lifestyle but also to adapt to local distribution conditions, anywhere in the world (Annex 3).

L'Oreal announced the signing of a definitive agreement with Valeant to acquire the skincare brands CeraVe, AcneFree and Ambi for a cash purchase price of 1.3 billion US dollars. CeraVe was founded in 2005 and offers a range of advanced skincare products, specifically cleansers, moisturizers, sunscreens, healing ointments and a dedicated baby line. The CeraVe story began in 2005 after experts noticed that many skin conditions such as acne, eczema, psoriasis and dry skin all had one thing in common: a compromised skin barrier. Developed with dermatologists, CeraVe offers a complete line of skincare products that contain three essential ceramides enhanced with a revolutionary delivery system to help restore the skin's natural protective barrier (Annex 3).

CeraVe, makes high-quality cleansing and moisturizing products accessible to a wide number of consumers around the world. According to testimonials and clinical studies these products have made a significant impact on the quality of consumers' daily lives. Thanks to the partnership with dermatologists, Cerave enables everyone to fully live the comfort of healthy skin (Annex 3).

*Developed with dermatologists, CeraVe's mission is to restore and maintain skin barrier for all through efficacy, safety, compliance and accessibility. The skincare products contain a blend of three essential ceramides (ceramides 1, 3, and 6-II), fatty acids and hyaluronic acid to restore skin barrier function, and sustain long-term moisturization with just one use. CeraVe is the *No. 1 dermatologist recommended moisturizer brand in the United States and now available in over 40 countries worldwide including in Pakistan (Annex 3).*

Complainant's efforts to resolve this matter amicably

Complainant became aware of Respondent's registration of the domain name <ceravepakistan.pk>, which reproduces Complainant's trademark CERA VE in its entirety, and associates it with the geographical term "Pakistan" not reducing the risk of any confusion. On the contrary, the composition of the domain name and the mere addition of the extension ".pk" can mislead Internet users into believing the disputed domain name is endorsed by Complainant or that it will direct them to the official website promoting and selling Complainant's products intended for the Pakistani market.

When detected the domain name directed to a page under construction, which nonetheless presented a significant risk due to the composition of the domain name (Annex 1). Soon

*after, the domain name directed Internet users to a fake website that reproduces Complainant's trademark and its visuals mimicking its official website, offering cosmetic products under the Complainant's trademark for sale with a discount, which are likely to be counterfeit goods. Additionally, Internet users may purchase these goods by registering sensitive data on the website, such as their name, address and banking information, which clearly demonstrate a high risk of phishing (**Annex 1**).*

*In addition, the domain name is configured with an email server, increasing in that way the risk of potential phishing actions (**Annex 1**).*

Before starting the present proceeding, Complainant made some efforts to resolve this matter amicably.

*In order to secure the situation, Complainant sent notifications to the hosting provider, requesting the deactivation of the infringing website. Following extensive communication, the hosting company complied with Complainant's request, and removed the infringing website (**Annex 6**).*

However, over the course of monitoring the domain name, Complainant noted that Respondent set up another fraudulent website, therefore, as no amicable settlement could be found, despite Complainant's best efforts, and considering Respondent's persistent setting-up of fraudulent sites, Complainant had no other choice but to initiate an DNDRC procedure against Respondent based on the infringing nature of the domain name and the website it resolves to, impersonation and fraudulent practices in order to obtain the transfer of the disputed domain name and to eradicate any additional risk of illegal and infringing use of the disputed domain name.

Therefore, the Complainant seeks the following remedy:

The Complainant requests the Administrative Panel appointed in this administrative proceeding that the domain name <ceravepakistan.pk> be transferred to the Complainant.

(b) Respondent

*This response is respectfully submitted by **THEORDINARYS (SMC-PRIVATE) LIMITED**, a company duly registered with the **Securities and Exchange Commission of Pakistan (SECP)** under registration number **0254212** (**Annexure 1**). The domain name*

*ceravepakistan.pk was registered and used in **good faith**, with no intention to mislead, misrepresent, or infringe upon the Complainant's trademark rights.*

After the filing of this complaint, we took swift and responsible steps, including:

- ***Complete removal of all CeraVe-related content from the website;***
- *Addition of stronger **disclaimers**;*
- *Shift of product focus to other brands, like **The Ordinary**;*
- ***Visual rebranding and restructuring** of the site to avoid any confusion (**Annexure 3**).*

*These actions confirm our **willingness to cooperate**, not conflict.*

*Before filing this administrative complaint, **L'Oréal did not contact us directly** via email, letter, or legal notice. We believe that a simple cease-and-desist letter or business dialogue could have resolved the matter without escalation. We remain open to a **constructive dialogue** and were never unwilling to adjust if approached amicably.*

In light of the above facts and supporting documents, we respectfully request the Honourable Panel at DNDRC to dismiss the Complaint and allow us to retain and continue using the domain ceravepakistan.pk.

We have operated within the bounds of Pakistani law, acted in good faith, and demonstrated a clear intent to resolve any issues responsibly. Our trademark application was accepted without opposition, and we have voluntarily adjusted our business conduct to meet fair use standards.

We are committed to transparency, compliance, and ethical business practices and are open to implementing any additional disclaimers or suggestions DNDRC may advise

Therefore, the Respondent seeks the following remedy:

The Respondent respectfully requests that the Honourable Panel at DNDRC:

1. ***Dismiss the Complaint** in its entirety on the grounds that the domain name **ceravepakistan.pk** was registered and used in good faith and does not infringe upon the Complainant's rights under applicable Pakistani law or the PKNIC Dispute Resolution Policy.*

2. ***Permit the Respondent to retain ownership and continued use of the domain name ceravepakistan.pk, as it is lawfully operated in accordance with Pakistan's trademark laws and domain regulations.***
3. ***Consider that the Respondent has demonstrated legal interest, transparent business conduct, and has taken corrective actions where necessary to prevent confusion, reflecting a willingness to cooperate.***

5. Jurisdiction

The Panel's jurisdiction over this dispute between the Complainant and the Respondent is established by virtue of the Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules.

The Respondent applied for and was granted registration of the DDN on the basis of these regulations, and has submitted to, the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) and the Rules and correspondingly to the arbitral jurisdiction of the DNDRC and its arbitration decisions.

6. Discussion and Findings

In the landmark case of *Standard Chartered PLC v. Hosting Campus Domain* (case no. C2007-0001) available on the DNDRC website (http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf), the Panel laid down the following four heads under which to analyze cases, under the Internet Domain Registration Policy version 4.4 (2019-08-19) and the UDRP:

1. *Illegality, unlawfulness or otherwise invalidity of the Application & Registration (a criteria in terms of the PKNIC - Internet Domain Registration Policy June 20, 2006 version 4.1 in addition to the criteria of the UDRP)*
2. *Identical or confusing similarity to a trademark or service mark in which the Complainant has rights (a UDRP criteria)*
3. *Legitimate interest in Domain Name (a UDRP criteria)*
4. *Registration and use in bad faith (a UDRP criteria)*

The decision of the dispute shall be addressed with respect to the following aspects:

- i. Illegality, unlawfulness or otherwise invalidity with respect to the Application & Registration (a PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) criteria).
- ii. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
- iii. Legitimate interest in the domain name (a UDRP criteria).
- iv. Registration and use of the domain name in bad faith (a UDRP criteria).

I. Illegality, unlawfulness or otherwise invalidity of the Application & Registration

The PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19) states that it creates an exception for, and thus excludes the registration of a domain name that:

- a. infringes upon a registered tradename,*
- b. is not bona fide as recognized by international best practice,*
- c. in the opinion of PKNIC, a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law,*
- d. has been declared by a Criminal Court of appropriate jurisdiction to have contravened the latest version of Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/Anti-Terrorism Act, 1997/any applicable criminal law), or*
- e. in the opinion of PKNIC is not appropriate for registration.*

As per the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19),

If a party claims that a domain name already registered with PKNIC violates their registered tradename, an obvious derivation of their registered company name is not bona fide as recognized by international best practice, and is a contravention in the opinion of PKNIC to be a contravention of the latest version of the Pakistan Penal Code Act, 1860 (including offences of defamation & blasphemy)/ Anti-Terrorism Act, 1997/any applicable criminal law, PKNIC reserves the right to cancel, or transfer the domain to the claiming party as per the ICANN's Uniform Domain Name Dispute Resolution Policy [UDRP] (with PKNIC amendments) or as per the orders of a court judgment in Pakistan.

Therefore, for the purpose of assessing illegality, unlawfulness or otherwise invalidity of the Application & Registration of the DDN, the application and registration of the DDN shall be assessed in consideration of the following criteria:

- i. Whether the DDN infringes upon a registered trade name / trade mark?
- ii. Whether the application and/or registration of the DDN is bona fide?
- iii. Whether the application and/or registration of the DDN contravenes the Pakistan Penal Code, 1860 (the “Penal Code”) or any applicable criminal law?

The Complainant has not submitted a response.

The Respondent has made the following submissions:

*Under **Pakistan’s Trade Marks Ordinance, 2001**, infringement occurs only where a registered mark is used deceptively or in a way that causes confusion. At the time of domain creation and use, “CeraVe” had **not been declared a well-known mark** in Pakistan under **Section 85**, nor was it visible as a registered trademark in the IPO database.*

*Moreover, **resale of genuine products is allowed under Pakistani law**, provided it does not mislead consumers — which we ensured by maintaining transparency and disclaimers.*

*While the Complainant holds a registered trademark in the name “**CeraVe**”, our trademark application was filed under a **distinct brand name** — “**CeraVe Pakistan**” (**Annexure 2**). This application was **accepted without objection** by IPO Pakistan. As per IPO guidelines, **we are permitted to use the applied-for mark with the “™” symbol**, confirming that our actions were taken within the legal framework and in good faith.*

For the purposes of this criterion, it must be established that the DDN expressly contravenes the trademark rights of the Complainant. In this regard, the Panel takes note of Annex-4 submitted by the Complainant, which includes evidence of trademark registrations in several jurisdictions, including a registered trademark for “CERAVE” in Pakistan.

However, the Complainant has not made any specific submissions addressing whether the DDN infringes its trademark rights. On the contrary, the Respondent argues that the Complainant’s trademark was not well-known in Pakistan and contends that infringement requires the presence of deception or confusion. The Respondent also submits, via Annex-2, evidence of a pending trademark application for “CeraVe Pakistan” before the relevant authorities in Pakistan.

The Panel observes that, as indicated by the Respondent, the trademark application was filed after the Complainant had raised concerns regarding the use of its trademark in the DDN and on the associated website. It is further noted that the application remains pending and has not yet been granted.

The Panel also refers to the Trade Marks Ordinance, 2001, as cited by the Respondent. While the Respondent has advanced certain arguments concerning infringement, it has not adequately explained why the DDN should not be considered deceptively similar to the Complainant's registered trademark. Moreover, the Respondent's admission that the website is being used to offer genuine goods of the Complainant may in fact support a finding of infringement under Section 40, which addresses use of a deceptively similar mark in relation to similar goods.

Importantly, the Complainant has not addressed whether the inclusion of the term "Pakistan" in the DDN "ceravepakistan.pk" impacts the likelihood of confusion or affects the overall assessment of infringement.

In light of the above, and in the absence of sufficient arguments establishing a clear violation of the PKNIC - Internet Domain Registration Policy version 4.4, the Panel concludes that the registration of the DDN does not contravene the Policy.

Accordingly, it is necessary to evaluate the Complaint under each of the three UDRP criteria individually.

II. Identical or confusing similarity to a trademark or service mark in which the Complainant has rights

The Complainant has made the following submissions:

Complainant and its trademark CERAVE enjoy a worldwide reputation. Complainant owns numerous CERAVE trademark registrations around the world.

*Complainant is in particular the owner of the following CERAVE Trademark applications and registrations (**Annex 4**):*

- *Pakistani Trademark application CERAVE No. 600258, dated January 22, 2021, covering goods in class 3;*
- *European Trademark CERAVE No. 016162752, dated December 14, 2016, covering goods in class 3;*
- *International Trademark Registration CERAVE No. 1365989 dated June 15, 2017, designating inter alia Kazakhstan, Singapore, Vietnam and covering goods in class 3;*

*In addition, Complainant operates, among others, the following domain name reflecting its trademark in order to promote its services (**Annex 5**):*

- *<cerave.fr> registered on July 19, 2017.*

The disputed domain name <ceravepakistan.pk> is virtually identical to Complainant's prior trademarks CERAVE.

Indeed, the disputed domain name reproduces in its entirety Complainant's trademark CERAVE. In many WIPO and DNDRC decisions, Panels considered that the incorporation of a well-known trademark in its entirety may be sufficient to establish that the domain name is identical or confusingly similar to a complainant's trademark (WIPO Case No. D2023-5082, L'Oréal v. 陈龙 (chenlong), DNDRC Case No. C2022-0009, L'Oréal v. Irfan Shaukat and DNDRC Case No. C2024-0018, L'Oréal v. Wajid Ali).

Additionally, in many WIPO decisions, it is well established that "Where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark" (WIPO Case No. D2011-1627, L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang, WIPO Case No. D2010-1059, Rapidshare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin and WIPO Case No. D2000-0113, The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.). See section 1.7 of the WIPO Jurisprudential Overview 3.0.

Moreover, many other Panels have consistently determined that a domain name which consists of a trademark combined with a geographical term is still confusing and does not provide additional specification or sufficient distinction from Complainant or its marks (WIPO Case No. D2008-1640, L'Oréal, Laboratoire Garnier & Compagnie v. Australian Internet Investments Pty Ltd, WIPO Case No. D2007-1552, L'Oréal v. Liao Quanyong; DNDRC Case No. C2018-0009, eBay Inc v. Muhammad Akram).

*Complainant has used the trademark CERAVE in connection with specific cosmetic products around the world (**Annexes 3 and 4**), including in Pakistan. Consequently, the public has learnt to perceive the goods offered under this trademark as being those of Complainant. Therefore, the public would reasonably assume that the disputed domain name would be*

owned by Complainant or at least assume that it is endorsed or in other way related to Complainant.

The extension “.pk” or any other gTLD or ccTLD is not to be taken into consideration when examining the identity or similarity between Complainant’s trademarks and the disputed domain name. Indeed, it is well established that the addition of the TLD suffix does not affect the likelihood of confusion merely because it is necessary for the registration of the domain name itself (WIPO Case No. DTV2011-0003, IndiaMART InterMESH Limited v. Personal, Manoj Nair/WhoisGuard and WIPO Case No. D2011-0775, L’Oréal v. Guowei Hai Gui).

Accordingly, by registering said domain name, Respondent has created a likelihood of confusion with Complainant’s trademark. It is likely that the domain name could mislead Internet users into thinking that it is, in some way, associated with Complainant.

For all of the above-mentioned reasons, the domain name in dispute is confusingly similar to the trademark CERA VE in which the Complainant has rights, and therefore the condition of Paragraph 4(a)(i) is fulfilled.

The Respondent has made the following submissions:

*Our website never claimed to be the official site of CeraVe or L’Oréal. We never used misleading phrases like “authorized distributor” or “official store.” Disclaimers were included, and we openly identified ourselves as an **independent third-party reseller** of imported skincare products.*

*Using a combination of a brand name with a geographical term (e.g., “brandnamepakistan.pk”) is a common industry practice intended to communicate market availability — not brand ownership. All products sold were **100% genuine** and sourced from reliable international distributors. There was **no misrepresentation** or **counterfeiting** involved.*

The Complainant contends that the DDN is virtually identical to a trademark in which it holds rights and has submitted evidence demonstrating ownership of the mark “CERA VE.” In response, the Respondent asserts that they have never represented themselves as authorized sellers of the Complainant’s products nor claimed any affiliation with the Complainant. The Respondent further submits that the inclusion of a geographical term such as “Pakistan” is a common industry practice aimed at improving market reach.

To assess confusing similarity, the Panel refers to Paragraph 1.7 of the WIPO Overview 3.0, which provides that the test involves a side-by-side comparison of the domain name and the textual elements of the relevant trademark, to determine whether the trademark is recognizable within the domain name. It further clarifies that where a domain name incorporates the entirety of a trademark, or a dominant feature thereof, it is generally considered confusingly similar to the mark for purposes of the UDRP.

Applying this standard, the Panel finds that the Complainant's trademark "CERAVE" is clearly recognizable within the DDN. Although the DDN includes the additional term "Pakistan," this does not diminish the dominant presence of the "CERAVE" mark within the DDN. As such, the domain name satisfies the threshold for confusing similarity as articulated under the WIPO test.

This conclusion is supported by prior UDRP decisions cited by the Complainant, including *WIPO Case No. D2011-1627, L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*; *WIPO Case No. D2010-1059, Rapidshare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin*; and *WIPO Case No. D2000-0113, The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.*

With respect to the inclusion of the geographical term "Pakistan" in the DDN, the Panel notes established precedent, including *WIPO Case No. D2008-1640, L'Oréal, Laboratoire Garnier & Compagnie v. Australian Internet Investments Pty Ltd*; *WIPO Case No. D2007-1552, L'Oréal v. Liao Quanyong*; and *DNDRC Case No. C2018-0009, eBay Inc. v. Muhammad Akram*, as cited by the Complainant. In these cases, Panels consistently held that the addition of geographical terms does not prevent a finding of confusing similarity. While such terms may be commonly used for market reach throughout the industry, they do not override the protection offered to a registered trademark holder such as the Complainant.

Furthermore, in line with Section 1.11.1 of the WIPO Overview 3.0, the Panel agrees that the country-code top-level domain (ccTLD) ".pk" is a technical requirement and is disregarded when assessing similarity under the UDRP.

Accordingly, the Panel finds that the DDN is confusingly similar to a trademark in which the Complainant holds rights.

III. Legitimate interests in a domain name

As per paragraph 4(c), the UDRP requires the Respondent's claim to be of legitimate interest and shall be:

“proved based on all evidence presented” that “shall demonstrate” the Respondent’s “rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii). ”

Paragraph 4(c) states that:

“(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Complainant has made the following submissions:

*Respondent is neither affiliated with Complainant in any way nor has it been authorized by Complainant to use and register its trademark, or to seek registration of any domain name incorporating said trademark. Furthermore, Respondent cannot claim prior rights or legitimate interest in the domain name, as the CERAVE trademarks precede the registration of the disputed domain name for years (**Annexes 1 and 4**).*

*Respondent is not commonly known by the disputed domain name or the name “CERAVE”, in accordance with paragraph 4(c)(ii) of the Policy. There is simply no evidence that Respondent may be commonly known by the name CERAVE (**Annex 1**).*

The domain name <ceravepakistan.pk> is virtually identical to the Complainant’s CERAVE trademark that Respondent cannot reasonably pretend it was intending to develop a legitimate activity through the disputed domain name. Panels have found that “domain names identical to a Complainant’s trademark carry a high risk of implied affiliation”. The adjunction of the geographical term “Pakistan” and the extension “.pk” increases the risk of confusion since Internet users are likely to believe that said domain name will direct them to the official website providing information on Complainant’s products intended for the Pakistani market (See section 2.5.1 of the WIPO Jurisprudential Overview 3.0).

*Moreover, Respondent cannot assert that, before any notice of this dispute, it was using, or had made demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services, in accordance with paragraph 4(c)(i) of the Policy. On the contrary, the disputed domain name, which entirely incorporates Complainant's trademark, resolves towards a website that reproduces Complainant's trademark and visuals of the official website, offering alleged CERAVE products for sale. Internet users may purchase these goods by registering sensitive data such as their name, address and banking information. The possibility to collect such data demonstrate a high risk of phishing (**Annexes 1 and 3**). Consequently, Respondent fails to show any intention of non-commercial or fair use of the disputed domain name. It is most likely to be believed that Respondent has no legitimate interest or rights in the said domain name.*

Respondent has never been given the authorization from Complainant for developing such a website which imitates Complainant's official website by reproducing its visuals, logo and structure, and that will inevitably lead Internet users into wrongly believing this is an official website intended for the Pakistani market. Such imitation of Complainant's websites cannot provide Respondent with rights or legitimate interests over the domain name (WIPO Case No. D2010-0746, Birkenstock Orthopädie GmbH & Co KG v. Chen Yanbing).

Respondent is thus not accurately disclosing its relationship with the trademark by falsely suggesting it is the trademark owner and its website is an official website, which is contrary to the Policy (WIPO Case No. D2001-0903, Oki Data Americas, Inc. v. ASD, Inc).

In previous decisions, Panels found that in the absence of any license or permission from the Complainant to use such widely-known trademarks, no actual or contemplated bona fide or legitimate use of the domain name could reasonably be claimed (WIPO Case No. D2010-0138, LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master).

Respondent also fails to show any intention of non-commercial or fair use of the disputed domain name. It is most likely to be believed that Respondent has no legitimate interest or rights in the said domain name, as they are using the domain name with intent for commercial gain to misleadingly divert consumers from Complainant's official website.

Furthermore, an email server has been configured on the disputed domain name <ceravepakistan.pk> and thus, there might be a risk that Respondent is engaged in a

*phishing scheme (**Annex 1**). So, the disputed domain name is not used in any type of legitimate business or services.*

Finally, given Complainant's goodwill and renown worldwide, and the nature of the disputed domain name, which is virtually identical to Complainant's trademark, it is not possible to conceive a plausible circumstance in which Respondent could legitimately use the disputed domain name, as it would invariably result in misleading diversion and taking unfair advantage of Complainant's rights.

For all of the above-cited reasons, it is undoubtedly established that Respondent has no rights or legitimate interests in respect to the domain name in dispute under Paragraph 4(a)(ii) of the Policy.

The Respondent has made the following submissions:

*In accordance with **PKNIC's Domain Dispute Policy**, a registrant has legitimate rights to a domain if:*

- *The domain was registered for a bona fide business purpose;*
- *The registrant is operating transparently and legally;*
- *The domain is not being used for cybersquatting or misleading gain.*

These criteria are fully met:

1. *We are a SECP-registered company operating a skincare business (**Annexure 1**);*
2. *We sold **only authentic, original products**;*
3. *We disclosed our identity and never attempted to sell the domain;*
4. *We filed for a local trademark in good faith (**Annexure 2**);*
5. *We made **voluntary corrections** to content upon receiving concerns (**Annexure 3**).*

The Complainant contends that the Respondent lacks any rights or legitimate interests in the DDN, relying on the three circumstances outlined in Paragraph 4(c) of the UDRP Policy to support this position. In response, the Respondent argues that it has legitimate interests in the DDN, citing its company incorporation, sale of genuine products, absence of any attempt to sell the domain, filing of a trademark application, and modifications made to the website following the Complaint.

Pursuant to Section 2.1 of the WIPO Overview 3.0, once a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the

respondent to rebut that case. The Panel finds that the Complainant has met this initial burden by asserting the absence of all three bases under Paragraph 4(c), thereby shifting the burden onto the Respondent to demonstrate rights or legitimate interests in the DDN.

To assess whether the Respondent has met this burden, the Panel considers the Respondent's contentions individually in light of the criteria under Paragraph 4(c) of the UDRP.

The Panel first addresses the Respondent's claim that it has operated the DDN transparently and has not engaged in cybersquatting. While transparency and a lack of bad faith may be relevant, they are not, in themselves, sufficient to establish a legitimate interest under Paragraph 4(c), which requires a showing that the respondent was commonly known by the DDN, was making a bona fide offering of goods or services, or was making legitimate noncommercial or fair use of the DDN.

The incorporation certificate submitted by the Respondent (Annex-1) is also of limited relevance. While it evidences the existence of a business entity registered with the Securities and Exchange Commission of Pakistan (SECP), it does not demonstrate that the Respondent was commonly known by the DDN or otherwise had rights in the trademark "CERAVE."

The Respondent has also submitted a pending trademark application for a logo incorporating the word "CERAVE." While a granted registration could potentially support a claim of being commonly known by the mark, the application remains pending. Moreover, the Panel notes that the Complainant's mark "CERAVE" has a global reputation and predates the Respondent's application. Given that the Respondent's website was offering products of the Complainant, the Panel finds that the mark is more closely associated with the Complainant than the Respondent. The Respondent's own acknowledgment that the products sold originate from the Complainant further supports the assertion that the Complainant was commonly known by the DDN.

The Respondent also argues that it was selling genuine products and modified the website to reflect additional offerings following the Complaint. The Panel refers to *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, which provides a widely accepted framework for determining whether a reseller has a legitimate interest in a domain name. Under the Okidata criteria, a respondent must:

- (i) Actually offer the trademarked goods or services;
- (ii) Use the site to sell only the trademarked goods;
- (iii) Clearly disclose its relationship with the trademark owner; and
- (iv) Avoid attempting to corner the market in domain names.

The Panel finds that the Respondent does not satisfy the third criterion. A review of the website content at the time of the Complaint, as evidenced by Annex-1 submitted by the Complainant, shows that no clear disclosure of the lack of affiliation was made. Instead, the “About” section of the website included a narrative about the history of “CERAVE,” which created a misleading impression of affiliation with the Complainant. Although the Respondent later updated the website to clarify its lack of association, such a modification occurred only after the Complaint was filed.

Finally, the Panel does not find that the use qualifies as noncommercial or fair use under Paragraph 4(c)(iii). The Respondent is operating a commercial website that sells goods, including competing products, which disqualifies it from falling under this exception. (See *MUITAS LTD v. AMF AMF*, *WIPO Case No. D2024-1110*).

In light of the foregoing, the Panel finds that the Respondent does not have legitimate interests in the DDN.

IV. Registration and use in bad faith

The Complainant has made the following submissions:

Paragraph 4(a) (iii) of the Policy requires Complainant to prove that Respondent registered and used the disputed domain name in bad faith.

1) Registration in bad faith

Bad faith can be found where Respondent “knew or should have known” of Complainant’s trademark rights and, nevertheless registered a domain name in which it had no rights or legitimate interest (WIPO Case No. D2009-0320, Research In Motion Limited v. Privacy Locked LLC/Nat Collicot; WIPO Case No. D2009-0113, The Gap, Inc. v. Deng Youqian).

It is implausible that Respondent was unaware of Complainant when it registered the disputed domain name.

Firstly, Complainant is well-known throughout the world (Annexes 3 and 4). In this regard, many panels have previously acknowledged Complainant’s reputation worldwide, making it unlikely that Respondent was not aware of Complainant’s rights in said trademark (WIPO Case No. D2014-1172, L’Oréal SA v. Yoyo.email, Giovanni Laporta, WIPO Case No. D2016-1721, Lancôme Parfums Beauté et compagnie and L’Oréal v. Din Mont and Yunleng

Mercyk, WIPO Case No. D2021-1636, L'Oréal v. Privacy Service Provided by Withheld for Privacy ehf / KHALID Ajan).

Secondly, the composition of the domain name <ceravepakistan.pk>, which entirely reproduces Complainant's trademark CERA VE, which is a highly distinctive mark, confirms that the Respondent was aware of Complainant and its trademark and its official domain name <cerave.fr>. It clearly demonstrates that Respondent registered the disputed domain name based on the attractiveness of the Complainant's trademark to divert internet traffic to its fake website. Prior panels have held that bad faith can be found where a domain name is so obviously connected with a well-known trademark that its very use by someone with no connection to the trademark suggests opportunistic bad faith (WIPO Case No. D2013-0091, LEGO Juris A/S v. store24hour; WIPO Case No. D2008-0226, Lancôme Parfums et Beauté & Cie, L'Oréal v. 10 Selling; WIPO Case No. D2006-0464, Caixa D'Estalvis I Pensions de Barcelona ("La Caixa") v. Eric Adam). Given the reputation of the CERA VE trademark, registration in bad faith can be inferred.

Thirdly, Complainant's CERA VE trademark registrations significantly predate the registration date of the disputed domain name (Annexes 1 and 4). In this regard, previous Panels have established that knowledge of Complainant's intellectual property rights, including trademarks, at the time of registration of the disputed domain name proves bad faith registration (WIPO Case No. D2008-0287, Alstom v. Domain Investments LLC, WIPO Case No. D2007-0077, NBC Universal Inc. v. Szk.com).

Under Section 2 of the ICANN Policy, it is established that when someone registers a domain name, he represents and warrants to the registrar that, to his knowledge, the registration of the domain name will not infringe the rights of any third party. It means that it was Registrant's duty to verify that the registration of the disputed domain name would not infringe the rights of any third party before registering said domain name (WIPO Case No. D2009-0901, Compagnie Gervais Danone contre Gueorgui Dimitrov / NETART; WIPO Case No. D2002 0806, Carolina Herrera, Ltd. v. Alberto Rincon Garcia; WIPO Case No. D2000 1397, Nike, Inc. v. B.B. de Boer).

A quick "CERA VE" trademark search would have revealed to Respondent the existence of Complainant and its trademark. Respondent's failure to do so is a contributory factor to its bad faith (WIPO Case No. D2008-0226, Lancôme Parfums et Beauté & Cie, L'Oréal v. 10 Selling).

Even supposing that Respondent was not aware of the possibility of searching trademarks online before registering a domain name, a simple search via Google or any other search engine using the keyword “CERAVE” demonstrates that all first results relate to Complainant’s products or news (Annex 7).

In this day and age of the Internet and advancement in information technology, the reputation of brands and trademarks transcends national borders. Taking into account the worldwide reputation of Complainant and its trademark, as well as the high level of notoriety of Complainant, it is hard to believe that Respondent was unaware of the existence of Complainant and its trademark at the time of registration of the disputed domain name. It is most likely to be believed that Respondent registered the domain name <ceravepakistan.pk> based on the notoriety and attractiveness of the Complainant’s trademark to divert internet traffic to its fraudulent website.

Finally, Complainant submits that given Complainant’s goodwill and renown, and the nature of the disputed domain name, Respondent could simply not have chosen the domain name <ceravepakistan.pk> for any reason other than to deliberately cause confusion amongst Internet users as to its source in order to take unfair advantage of Complainant’s goodwill and reputation, which clearly constitutes bad faith.

Hence, in view of the above-mentioned circumstances, it is inconceivable that Respondent did not have Complainant’s trademark in mind at the time of registration of the disputed domain name.

Consequently, it is established that Respondent registered the disputed domain name in bad faith.

2) Use in bad faith

Previous Panels have considered that in the absence of any license or permission from Complainant to use such widely known trademark, no actual or contemplated bona fide or legitimate use of the domain name could reasonably be claimed (WIPO Case No. D2000-0055, Guerlain S.A. v. Peikang, WIPO Case N° D2008-0281, Alstom, Bouygues v. Webmaster).

It is submitted that Respondent is using the disputed domain name to intentionally attract Internet users to their website by creating a likelihood of confusion with Complainant’s mark

as to the source, sponsorship, affiliation or endorsement of the services offered on the Respondent's website, in accordance with paragraph 4(b)(iv) of the Policy.

The disputed domain name <ceravepakistan.pk> is virtually identical, or at least confusingly similar to Complainant's trademark CERAVE, and previous Panels have ruled that "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from Complainant's site to Respondent's site" (WIPO Case No. D2012-1765, MasterCard International Incorporated ("MasterCard") v. Wavepass AS; WIPO Case No. D2006-1095, Edmunds.com, Inc. v. Triple E Holdings Limited).

*As mentioned above, the disputed domain name resolves towards a fraudulent website that extensively copies elements from Complainant's official website, including the unauthorized use of its trademark, logo, and overall visual identity. The website presents itself as an Official Store CeraVe for Pakistan offering free delivery on all orders. It emulates Complainant's official website and contains a presentation of CeraVe and information on its products. Respondent did everything to make his website look official and therefore created a strong likelihood of confusion for CERAVE consumers who could believe that <ceravepakistan.pk> is the official website offering authentic products online intended for the Pakistani market. Additionally, Internet users may purchase these counterfeit goods by registering sensitive data on the website, such as their name, address and banking information. The possibility to collect such data demonstrate a high risk of phishing (**Annex 1**).*

*Additionally, the website falsely presents itself as an official platform by displaying the copyright notice "© 2024 CeraVe Pakistan", which misleadingly implies ownership or authorization from Complainant. Furthermore, the contact email listed as info@www.ceravepakistan.pk reinforces this false representation, deceiving users into believing they are interacting with an official channel. These elements collectively contribute to a deceptive and unauthorized duplication of Complainant's identity (**Annex 1**).*

Due to the misleading nature of the website, it is likely to believe the products being sold are counterfeit goods. Respondent replicates visual elements of the official website and does not accurately disclose the relationship with the owner of the trademark under which the cosmetics products are being sold. The prices of the products offered for sale on the infringing website do not align with the prices of the same products offered on Complainant's official site <https://www.cerave.fr/>. In fact, the initial prices on the fraudulent website, prior to the offered discounts, are quite higher than the original products.

In light of this knowledge, Respondent has thus intentionally attempted to attract Internet users to the its website for commercial gain by creating likelihood of confusion with the Complainant's mark as to the affiliation or endorsement of either the Respondent or its website in accordance with Paragraph 4(b)(iv) of the Policy, and engaged in a potential phishing scheme in order to steal sensitive data from Internet users.

Similarly, reproducing famous trademarks in a domain name which resolves to a fraudulent website offering cosmetic products for sale under the name of Complainant, which have not been provided by Complainant nor by any official provider of official CERA VE products, and are most likely to be counterfeit goods cannot be regarded as fair use or use in good faith.

*Moreover, an email server has been configured on the disputed domain name and thus, there might be a higher risk that Respondent is engaged in a phishing scheme (**Annex 1**). Therefore, the use of an email address with the disputed domain name presents a significant risk where Respondent could aim at stealing valuable information such as credit cards from Complainant's clients or employees. Such risk has been recognized by prior Panel (WIPO Case No. D2017-1225, Accor SA v. Domain Admin, C/O ID#10760, Privacy Protection Service INC d/b/a PrivacyProtect.org / Yogesh Bhardwaj).*

All aforementioned circumstances confirm that the disputed domain name is used in bad faith.

Consequently, it is established that the Respondent both registered and used the disputed domain name in bad faith in accordance with Paragraph 4(a)(iii) of the Policy.

The Respondent has made the following submissions:

Our company operates transparently and in full compliance with Pakistani laws. The domain ceravepakistan.pk was registered in good faith to offer Pakistani consumers access to authentic skincare products, including CeraVe, which are globally available. The name reflects the nature of the products offered and the geographical market we serve.

*At the time of domain registration, there was **no publicly available record** of a trademark for "CeraVe" in IPO Pakistan's online system. Based on this, we reasonably believed there was no barrier under local law to using the domain. Our company identity, contact details, and operations were always publicly visible and lawful (**Annexure 1**).*

*After being notified through our hosting provider about L'Oréal's concerns, we filed a **trademark application** for "**CeraVe Pakistan**", under Application No. **796579**, dated **10/02/2025 (Annexure 2)**. This step was taken as a proactive legal measure to regularize our business — not in bad faith.*

The Complainant asserts that the Respondent has registered and is using the DDN in bad faith, citing the unauthorized use of its trademark and related goods. The Respondent argues that, at the time of registration, the Complainant's trademark was not visible in the relevant authority's online database and that the DDN was being used in good faith to sell genuine products.

The Panel refers to paragraph 3.1.4 of the WIPO Overview 3.0 and finds that the inclusion of the Complainant's trademark in its entirety within the DDN is, in itself, indicative of bad faith. The Panel proceeds to assess both the registration and use of the DDN separately.

To establish bad faith in registration, it is sufficient to demonstrate that the Respondent knew or ought to have known of the Complainant's trademark at the time of acquiring the DDN and that it was registered with the intention of targeting the Complainant (see *WE-EF LEUCHTEN GmbH v. wang yajun*, WIPO Case No. D2025-1723).

In this case, the Panel recognizes the global reputation of the Complainant's "CERAVE" mark and finds it unlikely that the Respondent was unaware of such a distinctive brand at the time of registration. This conclusion is further supported by the Respondent's own use of the Complainant's trademarked goods on its website, which confirms its awareness of the mark. While the Respondent contends that no information regarding the trademark was available in Pakistan's public registry at the time, the Complainant has submitted Annex-4, evidencing an existing registration in Pakistan, thereby directly refuting the Respondent's claim.

The Complainant also invokes paragraph 4(b)(iv) of the Policy, asserting that the Respondent's use of a confusingly similar domain name directs users to a fraudulent website mimicking the Complainant. The Panel agrees that the DDN is confusingly similar to the "CERAVE" trademark and that such similarity is likely to mislead users. As held in *MasterCard International Incorporated v. Wavepass AS*, WIPO Case No. D2012-1765, and *Edmunds.com, Inc. v. Triple E Holdings Limited*, WIPO Case No. D2006-1095, such use may result in traffic diversion for commercial gain, particularly in the Pakistani market.

The Respondent's use of the Complainant's trademarked goods without disclosure reinforces the conclusion that the DDN was intended to impersonate the Complainant and disrupt its business for commercial benefit. Such conduct constitutes bad faith under the Policy (see *GEA Group*

Aktiengesellschaft v. J.D., WIPO Case No. D2014-0357). Moreover, the absence of any legitimate interest further supports a finding of bad faith under paragraph 3.1.4 of the WIPO Overview.

Accordingly, the Panel finds that the Respondent has both registered and used the DDN in bad faith.

7. Decision

Upon reviewing the contentions and information provided by the Complainant above, the Panel acknowledges that the “CERAVE” mark is registered and owned by the Complainant and the Respondent has no trademark rights over it. Therefore, the continuous use of the DDN <ceravepakistan.pk> would adversely impact the exercise of the Complainant’s trademark rights, despite being in a separate jurisdiction and could also jeopardize the reputation of the Complainant by amounting to confusion regarding the ownership of the DDN.

Taking all the discussion above into consideration, the Panel concludes and decides that:

1. The Respondent’s registration of the DDN does not violate the PKNIC - Internet Domain Registration Policy version 4.4 (2019-08-19);
2. The DDN is confusingly similar to the registered trademark of the Complainant;
3. The Respondent has no legitimate interest in the DDN;
4. The DDN was registered and is being used in bad faith.

Pursuant to Section 4 of the Policy, the Panel, therefore, recommends that PKNIC transfer the registration of the DDN <ceravepakistan.pk> to the Complainant, as prayed, within 48 hours of receipt of this decision either by email or through the website where it will be uploaded, www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also be at liberty to contact PKNIC for implementation of this decision.

Arbitrator: Willayat Ali Shah

Sole Panelist

Date: 29 July 2025