Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0020

Also in PDF C2025-0020

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 <ceraveshop.pk>, hereinafter referred to as the Disputed Domain Name ["the DDN"].

PKNIC has informed DNDRC that the DDN is registered by Naeem Waqas (with account holder/agent Israr Ul Haq), with the contact address at H 69 C Block Ahmed Housing Scheme, near Amna Park, Lahore, Pakistan, 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 11 June 2025. DNDRC completed an administrative review of the Complaint and communicated the same to the Complainant on 18 June 2025.

Upon the Complainant's fulfillment of the procedural obligations on 24 June 2025, DNDRC formally requested the Respondent's registration details from PKNIC on 27 June 2025. PKNIC provided the requested details on 30 June 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 05 July 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 12 July 2025. The Respondent filed the Response Form on 14 July 2025.

The Complainant submitted a rejoinder on 22 July 2025.

The Complaint, along with all relevant material, was referred to the appointed arbitrator for review and decision on 25 July 2025. The arbitrator completed the review and issued a decision on 22 August 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the parties concerned on 26 August 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules), DNDRC appointed Mr. Muhamad Amaan Latif 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**).*

<u>*Complainant's efforts to resolve this matter amicably*</u>

Complainant became aware of Respondent's registration of the domain name , which reproduces Complainant's trademark CERAVE in its entirety, and associates it with the generic term "shop" 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.

Since its detection, the domain name has been directing 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 counterfeit 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 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 requesting the deactivation of the infringing website, and blocking of the domain name. However, despite multiple reminders and extensive communication, neither party provided a satisfactory solution (**Annex 6**).*

As no amicable settlement could be found, despite Complainant's best efforts, Complainant had no other choice but to initiate an DNDRC procedure against Respondent in order to obtain the transfer of the disputed domain name and to eradicate any 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 <**ceraveshop.pk**> be transferred to the Complainant.*

(b) Respondent

The Respondent completely denies the Complaint filed by L'Oréal. The domain name was registered lawfully and is being used in good faith.

The Complainant's allegations of bad faith registration, misleading content, and phishing are baseless, misleading, and strongly denied.

The Respondent asserts that:

- *There is no intent to confuse or deceive consumers.*
- *The website is a legitimate business targeting Pakistani consumers.*

- *The domain name is distinct from Complainant's registered domains and does not falsely represent affiliation.*

The Complaint is an unfounded attempt to monopolize descriptive domain names and suppress fair competition in Pakistan.

Therefore, the Respondent respectfully requests that the DNDRC Panel dismiss the Complaint in its entirety and reject any transfer request.

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

VI. Absence of Direct Communication from Complainant

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.

VII. Final Statement

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 ceraveshop.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 ceraveshop.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 ceraveshop.pk, as it is lawfully operated in accordance with Pakistan's trademark laws and domain regulations.*

3. *The Respondent submits that the Complaint is an overreach and an abuse of process, Respondent is a legally registered Pakistani business operating in good faith, investing in marketing and serving local skincare consumers.The Complainant seeks to monopolize a generic domain name ("ceraveshop.pk").This is a clear attempt to suppress fair competition and harm a lawful local business.The Complaint should be dismissed as unfounded and recognized as a bad faith attempt to seize a domain without legitimate claim.*

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*http://www.dndrc.com/cases_resolved/pdf/c2007-0001.pdf*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 (2019-0819) 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.

The Respondent is a legally registered company in Pakistan, with SECP registration number 0254212, and operates under the name THEORDINARYS (SMC-PRIVATE) LIMITED.

The Respondent has filed a trademark application with IPO Pakistan for the mark "CeraVe Pakistan", under Application No. 796579, dated 29/01/2025, which was accepted without objection and is currently valid under IPO Pakistan's guidelines.

At no point was the domain offered for sale to L'Oréal or any third party, and no attempt was made to capitalize unfairly on the Complainant's brand.

The Respondent is fully prepared to make any further clarifications, disclosures, or content adjustments recommended by DNDRC to ensure continued compliance.

For the purposes of this criterion, the Panel must consider whether the DDN infringes or otherwise conflicts with the trademark rights relied upon by the Complainant. The Panel notes that the Complainant has submitted evidence of its CERAVE registrations internationally, as well as in Pakistan (Annex-4).

However, the Complainant has not made any specific submissions addressing whether the DDN infringes its trademark rights. On the contrary, the Respondent argues that under the Trade Marks Ordinance, 2001, infringement only arises where a registered mark is used deceptively or in a way that causes confusion. The Respondent further submits that at the time of registration, "CeraVe" had not been declared a well-known mark in Pakistan under Section 85, nor was it visible in the IPO Pakistan database. The Respondent also points out, via Annex-2, that it has filed a trademark application for "CeraVe Pakistan," which was accepted without objection.

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 takes note of the Trademark Ordinance, 2001, as referenced by the Respondent. Although the Respondent has presented arguments concerning the permissible resale and the use of the applied-for mark with the "™" symbol, it has not sufficiently justified why the DDN should not be regarded as deceptively similar to the Complainant's registered trademark. Moreover, the Respondent's reliance on SECP incorporation and its pending IPO Pakistan application for "CeraVe Pakistan" (Application No. 796579) is misplaced, as acceptance of a trademark application does not grant enforceable rights unless registration is formally granted under the Trade Mark Ordinance, 2001. Furthermore, the Respondent's own acknowledgment that the website has been used to offer CeraVe products may, in fact, support a finding of infringement under Section 40, which addresses the use of a deceptively similar mark in connection with similar goods.

Importantly, the Complainant has not addressed whether the inclusion of the term "shop" in the DDN "ceraveshop.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 <ceraveshop.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 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. 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.).

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.

Further, the disputed domain name incorporates Complainant's trademark in its entirety, in conjunction with the term "shop" and the country code top level domain ("ccTLD") for Pakistan, ".pk". This addition does not render the disputed domain name distinctive from the Complainant's trademark. This is likely to increase the likelihood of confusion for Internet users who may wrongly believe the disputed domain name correspond to an official website of Complainant or to a page providing information on Complainant's cosmetic products intended for the Pakistani market, and offering the possibility of purchasing the products.

*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 CERAVE 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 provided evidence of registrations, including in Pakistan, for the mark "CERAVE." The Complainant submits that the incorporation of its mark in its entirety, together with the descriptive addition of the term "shop" and the ccTLD ".pk," does not prevent a finding of confusing similarity. Rather, according to the Complainant, such a composition increases the likelihood of confusion by suggesting that the DDN corresponds to an official online store of the Complainant.

In response, the Respondent asserts that generic terms can be fairly used in domain names and that the inclusion of "shop" and ".pk" is descriptive in nature, serving only to indicate market availability rather than brand ownership. The Respondent also argues that the use of a brand name with a generic or descriptive term such as "shop" is a common practice in the industry to indicate product availability, and that all goods offered were genuine, without any misrepresentation or counterfeiting.

To assess confusing similarity, the Panel refers to Paragraph 1.7 of the WIPO Overview 3.0, which provides that the test is a straightforward comparison of the textual elements of the disputed domain name against the trademark, to determine whether the trademark is recognizable within the domain name. It is well established that where a domain name incorporates the entirety of a trademark, or where a dominant feature of the mark is recognizable, confusing similarity is generally found for purposes of the UDRP.

Applying this test, the Panel finds that the Complainant's mark "CERAVE" is clearly recognizable in the DDN. The addition of the descriptive term "shop" does not remove the dominant presence of the trademark, nor does it mitigate the likelihood of Internet users assuming an association with the Complainant.(Section 1.8 of WIPO Overview 3.0) The Panel further notes that disclaimers or the Respondent's claimed intent as a reseller are not relevant to this threshold analysis, which is limited to a comparison of the domain name and the mark.

This conclusion is consistent with prior UDRP cases 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., which confirm that incorporating a trademark in its entirety ordinarily satisfies the test of confusing similarity.

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).

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 <ceraveshop.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 term "shop" and the extension ".pk" increase the risk of confusion since

Internet users are likely to believe that the said domain name will direct them to the official website providing information on Complainant's products intended for the Pakistani market and offering the possibility of purchasing authorized products (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 fake website presenting itself as the "Official CeraVe store in Pakistan" that reproduces Complainant's trademark and its visuals, offering alleged CERAVE products for sale that are most likely to be counterfeit goods. Internet users may purchase these unauthorized 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 noncommercial 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 <ceraveshop.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**);*

V. The Complaint is an Overreach

L'Oréal is attempting to:

- *Monopolize local domain names for purely competitive reasons.*
- *Suppress a local Pakistani reseller who operates independently under local law.*
- *Expand trademark enforcement without having secured enforceable rights within Pakistan for the domain name in question.*

Such actions amount to reverse domain hijacking and are not aligned with the spirit of the UDRP or DNDRC policies.

The Complainant contends that the Respondent lacks any rights or legitimate interests in the DDN, relying on the circumstances outlined in Paragraph 4(c) of the UDRP Policy. Specifically, the Complainant submits that the Respondent is neither affiliated with nor authorized by the Complainant, is not commonly known by the name "CERAVE," and has not made bona fide or fair use of the DDN. The Complainant further asserts that the Respondent's use of the DDN for a website imitating the Complainant's visuals and presenting itself as an "official" store of CeraVe cannot give rise to rights or legitimate interests.

In response, the Respondent argues that it has legitimate interests in the DDN. The Respondent points to its SECP registration as a skincare company (Annex-1), its sale of authentic imported products, its transparency in operations, its absence of cybersquatting intent, and the fact that it filed a trademark application for "CeraVe Pakistan" (Annex-2). The Respondent submits that these factors demonstrate a bona fide business purpose behind the registration and use of the DDN.

Pursuant to Section 2.1 of the WIPO Overview 3.0, once a complainant establishes a prima facie case that a respondent lacks rights or legitimate interests, the burden of production shifts to the respondent. The Panel finds that the Complainant has met its initial burden by demonstrating that the Respondent does not fall within any of the circumstances under Paragraph 4(c). Accordingly, the burden shifts to the Respondent to rebut this case.

The Panel first considers the Respondent's reliance on its SECP registration and its general transparency. While evidence of incorporation shows the existence of a business entity, it does not establish that the Respondent is commonly known by the mark "CERAVE" or by the DDN itself, as required under Paragraph 4(c)(ii). The Panel notes that the Complainant's trademark long predates the Respondent's activities.

The Respondent also relies on its pending trademark application for "CeraVe Pakistan." However, as the application has not been granted, it does not provide enforceable rights. Furthermore, the

Complainant's mark "CERAVE" enjoys international recognition and was already associated with the Complainant's products in Pakistan and elsewhere. The Respondent's sale of the Complainant's branded goods reinforces the impression that the DDN is more closely connected with the Complainant than with the Respondent.

Turning to the Respondent's claim of bona fide offering of goods, the Panel considers the Oki Data test (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903). Under this framework, a reseller may establish legitimate interest if:

1. Respondent must actually be offering the goods or services at issue.

2. Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods.

3. The site must accurately disclose the registrant's relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents.

4. The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

The Panel finds that the Respondent does not meet the third criterion. Evidence submitted by the Complainant (Annex-1) shows that the website replicated the Complainant's branding and visuals and referred to itself as an "official" CeraVe store in Pakistan, without adequate disclosure of the absence of authorization. Such presentation creates an impression of affiliation rather than clarifying independence. Although the Respondent claims disclaimers were present, these were either insufficient or introduced after the Complaint was filed.

The Panel also notes that the Respondent was operating a commercial website and collecting consumer data, which removes it from the scope of legitimate noncommercial or fair use under Paragraph 4(c)(iii).

In view of the above, the Panel finds that the Respondent has failed to establish rights or legitimate interests in the DDN and the Respondent does not have legitimate interests in the DDN as well.

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. D20090113, 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 <ceraveshop.pk>, which entirely reproduces Complainant's trademark CERAVE, which is a highly distinctive mark, confirms that the Respondent was aware of Complainant and its trademark and its official domain name <cerave.com>. 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 fraudulent 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. D20130091, 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 CERAVE trademark, registration in bad faith can be inferred.

Thirdly, Complainant's CERAVE 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 "CERAVE" 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 <ceraveshop.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 <ceraveshop.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

Some elements may be put forward to support the finding that Respondent also uses the domain name 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 <ceraveshop.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 reproduces Complainant's trademark and its logo, as well as the overall look and structure of its official website, presenting itself as the "Official CeraVe store in Pakistan" and pretending to offer its alleged cosmetic products for sale. This website reproduces entirely Complainant's trademark and visuals without its authorization and creates a false impression that it is an official website or that it is endorsed by Complainant. Additionally, Internet users may purchase these unauthorized 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).*

The Respondent's use of the copyright notice "© 2024 CeraVe Pakistan" on the infringing website constitutes a deliberate attempt to mislead consumers by falsely suggesting that the website is affiliated with, authorized by, or operated on behalf of Complainant. The unauthorized use of the CeraVe name in conjunction with a professionally formatted copyright statement creates a misleading appearance of legitimacy and ownership, further reinforcing the deceptive nature of the site. This tactic is commonly associated with fraudulent schemes designed to misappropriate goodwill and deceive users into believing they are interacting with an official or endorsed platform. By falsely implying that the website is protected and maintained by a lawful CeraVe entity based in Pakistan, the Respondent is not only infringing upon Complainant's intellectual property rights, but also engaging in bad faith conduct under the relevant policy. Such behavior undermines consumer trust, facilitates fraudulent activity, and supports a finding that the domain name and associated website were registered and are being used with intent to deceive (Annex 1).

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 CERAVE 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).

Here, it should be noted that:

- *Complainant and its trademark CERAVE have a strong reputation and are widely known throughout the world (Annexes 3 and 4);*
- *In view of the notoriety of Complainant, no possible use in good faith is conceivable;*
- *Respondent has not provided any evidence of actual or contemplated use in good faith of the disputed domain name.*

Finally, given Complainant's goodwill and renown worldwide, and the nature of the disputed domain name, which is confusingly similar 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.

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 ceraveshop.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 registered and is using the DDN in bad faith, relying on the worldwide reputation of its CERAVE trademark, the reproduction of its mark in the DDN, and the imitation of its branding on the associated website. The Respondent argues that the domain was registered in good faith to provide genuine skincare products to Pakistani consumers, that no record of the Complainant's trademark appeared in the IPO Pakistan database at the time of registration, and that it subsequently filed a trademark application for "CeraVe Pakistan" in an attempt to regularize its business.

The Panel refers to Section 3.1.4 of the WIPO Overview 3.0, which notes that the incorporation of a complainant's mark in its entirety within a domain name is, in itself, a strong indicator of bad faith. The Panel therefore considers both the registration and the use of the DDN.

With respect to registration, the test is whether the Respondent knew or ought to have known of the Complainant's mark at the time of registration and whether the DDN was chosen to target the Complainant (see Research In Motion Limited v. Privacy Locked LLC/Nat Collicot, WIPO Case No. D2009-0320). In this case, the Panel finds it implausible that the Respondent was unaware of the Complainant's "CERAVE" mark, given its distinctive character and international recognition, including in Pakistan. The Respondent's own sale of CERAVE-branded products further demonstrates its awareness of the Complainant's trademark. Although the Respondent claims that the IPO Pakistan database did not reflect the Complainant's registration, the Complainant has provided Annex-4 confirming an existing filing in Pakistan, and prior UDRP precedent has established that global reputation is sufficient to impute knowledge regardless of local registry visibility (see LEGO Juris A/S v. store24hour, WIPO Case No. D2013-0091).

Turning to use, the Panel refers to paragraph 4(b)(iv) of the Policy, which recognizes bad faith where a respondent uses a domain name to intentionally attract internet users for commercial gain by creating a likelihood of confusion with the complainant's mark. The evidence provided by the Complainant (Annex-1) shows that the DDN resolved to a website reproducing the Complainant's visuals, logo, and product images, while referring to itself as the "Official CeraVe store in Pakistan." Such presentation not only misrepresents the Respondent's relationship with the Complainant but also carries a risk of phishing through the collection of sensitive user data, a practice that prior Panels have found to constitute bad faith (see Accor SA v. Domain Admin, WIPO Case No. D2017-1225).

In light of the above, the Panel concludes that the Respondent registered and is using the DDN in bad faith.

7. Decision

Upon reviewing the contentions and supporting evidence submitted by both Parties, the Panel acknowledges that the “CERAVE” trademark is duly registered and owned by the Complainant. The Respondent has not demonstrated any trademark rights in the name, nor has it established any legitimate entitlement to use it. Accordingly, the Panel finds that the continued use of the DDN <ceraveshop.pk> would adversely affect the Complainant’s trademark rights, create a likelihood of confusion as to source or affiliation, and potentially damage the Complainant’s reputation.

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

1. The Respondent’s registration of the DDN **<ceraveshop.pk>** contravenes 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 directs that the registration of the DDN <ceraveshop.pk> be transferred to the Complainant, as requested, within forty-eight (48) hours of receipt of this decision, either by email or through its publication on the official website www.dndrc.com/cases_resolved/, whichever is earlier. The Complainant shall also remain entitled to approach PKNIC directly for enforcement of this decision.

Arbitrator: Muhammad Amaan Latif
Sole Panelist
Date: 26 August 2025