

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2025-0024

Also in PDF C2025-0024

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 <cerave-pakistan.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 07 August 2025. DNDRC completed an administrative review of the Complaint and communicated the same to the Complainant on 08 August 2025.

Upon the Complainant's fulfillment of the procedural obligations on 12 August 2025, DNDRC formally requested the Respondent's registration details from PKNIC on 15 August 2025. PKNIC provided the requested details on 25 August 2025.

DNDRC issued a formal notification of the dispute to the Respondent on 25 August 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 29 August 2025. The Respondent filed the Response Form on 02 September 2025.

The Complaint, along with all relevant material was referred to the appointed arbitrator for review and decision on 05 September 2025. The arbitrator completed the review and issued a decision on 15 September 2025. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 17 September 2025.

Applying Paragraph 4(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (the *Rules*), DNDRC appointed Mr. Muhammad 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 37 brands, employs 88,000 employees, and is present in more than 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 <cerave-pakistan.pk>, which reproduces Complainant's trademark CERA VE in its entirety, and associates it with the geographical term "Pakistan", intersected by a hyphen, 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 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. No reply was received. (**Annex 6**).*

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

*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 **cerave-Pakistan.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*

*The Respondent **completely denies** the Complaint filed by L'Oréal. The domain name < Cerave-Pakistan.pk > 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**.*

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 **cerave-Pakistan.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 **cerave-Pakistan.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 ("cerave-Pakistan.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/c20070001.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.*

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.

The Panel observes that the Respondent has relied on the Trade Marks Ordinance, 2001, and submitted evidence of a pending application for the mark “CeraVe Pakistan” (Annex-2). While the Respondent has argued that “CERAVE” was not declared a well-known mark in Pakistan under Section 85 of the Ordinance, the Panel considers that the Complainant’s existing registration, together with its global reputation, is sufficient to demonstrate enforceable rights under the Policy.

Moreover, the Respondent’s admission that its website was used to resell the Complainant’s branded products indicates that the DDN directly targets the Complainant’s mark. Under Section 40 of the Trade Marks Ordinance, the use of a deceptively similar mark in relation to identical goods constitutes infringement, irrespective of whether the goods are genuine.

Importantly, the Complainant has not explained or addressed how the addition of the term “Pakistan” in <cerave-pakistan.pk> supports the finding of infringement or impacts its assessment.

In light of insufficient submissions from the Complainant, the Panel finds it necessary to assess the Complaint under each of the three substantive UDRP criteria.

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 <cerave-pakistan.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 (DNDRC Case No. 2025-0019, L'Oréal v. Naeem Waqas, 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).

The domain name <cerave-pakistan.pk> reproduces entirely the trademark CERAVE combined with the geographic term "pakistan" intersected by a hyphen.

Panels have come to the conclusion that hyphenation in domain names is "insufficient to distinguish the Respondent's domain names from the Complainant's mark because the dominant portion of each domain name is the Complainant's [trademark]". Hence, paragraph 4(a)(i) of the Policy is satisfied (WIPO Case No. D2006-0768, Kabushiki Kaisha Toshiba dba Toshiba Corporation v. WUFACAI and WIPO Case No. D2012-2001, TREDNET, Direct Distribution International Ltd ("DDI") v. WhoisGuard Namecheap / BODYPOWER).

*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 (DNDRC Case No. 2025-0019, L’Oréal v. Naeem Waqas, 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).

Even though each case is individual and unique, the present Domain Name Dispute Resolution Centre (Pakistan Office) considered that the domain <ceravepakistan.fr> reproduced the CERAVE trademark in an abusive manner. The transfer of said domain name was ordered in favor of Complainant (see DNDRC Case No. 2025-0019, L’Oréal v. Naeem Waqas).

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 its registered trademark “CERAVE,” submitting evidence of trademark registrations in multiple jurisdictions, including Pakistan. The Complainant emphasizes that the DDN reproduces its mark in its entirety and that the addition of the geographical term “Pakistan” and a hyphen does not dispel the confusing similarity.

The Respondent asserts that it has never claimed to be the official site of the Complainant, nor used phrases such as “authorized distributor” or “official store.” It further submits that adding a geographical term such as “Pakistan” is a common industry practice to communicate market availability and does not imply brand ownership or affiliation.

To assess confusing similarity, the Panel refers to section 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 mark is recognizable within the domain name. It is well established that where a domain name incorporates a trademark in its entirety, or contains a dominant recognizable feature, it will normally be considered confusingly similar (see *WIPO Case No. D2011-1627, L’Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*).

Here, the Complainant’s trademark “CERAVE” is clearly recognizable in the DDN. The addition of the geographical term “Pakistan” does not avoid a finding of confusing similarity. Panels have consistently held that the inclusion of descriptive or geographical terms does not prevent a finding of confusing similarity where the trademark remains the dominant element (see section 1.8 and 1.9 of the WIPO Overview 3.0; *WIPO Case No. D2008-1640, L’Oréal, Laboratoire Garnier & Compagnie v. Australian Internet Investments Pty Ltd*; *DNDRC Case No. C2018-0009, eBay Inc. v. Muhammad Akram*).

Similarly, the use of a hyphen is legally irrelevant. Section 1.11.1 of the WIPO Overview 3.0 makes clear that punctuation marks such as hyphens are disregarded in assessing confusing similarity, as is the country-code top-level domain (“.pk”), which is a technical registration requirement.

Applying these principles, the Panel finds that the DDN incorporates the Complainant’s mark “CERAVE” in its entirety, with only the addition of a non-distinctive geographic term and a hyphen which do not prevent a finding of confusing similarity.

Accordingly, the Panel concludes that the DDN is confusingly similar to a trademark in which the Complainant has 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 <cerave-pakistan.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 <cerave-pakistan.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**);*

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.*

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 particular, the Complainant argues that the Respondent is neither affiliated with nor authorized by the Complainant to use its “CERAVE” trademark, and that Respondent cannot claim prior rights since the Complainant’s trademark registrations, including in Pakistan, predate the registration of the DDN by years (Annexes 1 and 4). The Complainant further submits that Respondent is not commonly known by the name “CERAVE” and that the DDN is virtually identical to its registered mark, with only the addition of the geographic term “Pakistan” and a hyphen. Citing Section 1.8 and Section 1.11.1 of the WIPO Overview 3.0, the Complainant asserts that such additions are legally irrelevant and do not prevent a finding of confusing similarity. The Complainant also emphasizes that the Respondent’s website reproduces its trademark and branding, offering purported CERAVE products without authorization and creating a risk of phishing by collecting consumer data (Annexes 1 and 3).

In response, the Respondent argues that it has legitimate interests in the DDN, citing its incorporation as a SECP-registered company engaged in the skincare business (Annex 1), its sale of genuine products sourced from the Complainant, its transparency in disclosing its identity, its filing of a local trademark application for “CeraVe Pakistan” (Annex 2), and modifications made to the website after the Complaint to further clarify its activities. The Respondent also maintains that it has never attempted to sell the DDN and that its operation of the domain was for a bona fide commercial purpose.

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 satisfied this initial burden by demonstrating the absence of all three bases under Paragraph 4(c), thereby shifting the evidentiary burden to the Respondent.

To assess whether the Respondent has met this burden, the Panel considers its arguments in light of the criteria under Paragraph 4(c).

The Panel first notes Respondent’s reliance on its incorporation certificate (Annex 1). While this establishes the existence of a business entity, it does not in itself demonstrate that the Respondent

is commonly known by the DDN or the mark “CERAVE” within the meaning of Paragraph 4(c)(ii). The Complainant’s trademark rights predate both the incorporation and registration of the DDN, and there is no evidence that Respondent was ever publicly recognized under the “CERAVE” name.

The Respondent’s pending trademark application for “CeraVe Pakistan” (Annex 2) is also of limited probative value. As Panels have consistently held, a pending application does not create enforceable rights, particularly where the complainant’s mark is long established and widely recognized (*LEGO Juris A/S v. DomainPark Ltd.*, WIPO Case No. D2010-0138).

Turning to Respondent’s claim of selling genuine goods, the Panel refers to the test articulated in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903. While Respondent appears to have offered CERAVE products, the website failed to clearly disclose its lack of affiliation with the Complainant, as required by the third Oki Data criterion. Instead, the “About” page reproduced CERAVE’s brand history, creating the misleading impression of an official local outlet.

The Panel also considers the structural composition of the DDN. Consistent with Section 1.8 of the WIPO Overview 3.0, the addition of the geographic term “Pakistan” does not avoid confusing similarity. Likewise, under Section 1.11.1, the hyphen between “cerave” and “pakistan” is legally insignificant. Together, these elements reinforce the likelihood of confusion rather than diminish it, since Internet users would reasonably assume the DDN points to the Complainant’s official Pakistani website.

Finally, the Respondent’s use of the DDN for commercial sales precludes any claim of noncommercial or fair use under Paragraph 4(c)(iii). The Panel finds parallels with *MUITAS LTD v. AMF AMF*, WIPO Case No. D2024-1110, where a reseller’s commercial activity without proper disclosure was deemed inconsistent with fair use.

In light of the foregoing, the Panel concludes that the Respondent has not demonstrated rights or 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 <cerave-pakistan.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.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 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 <cerave-pakistan.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 <cerave-pakistan.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 <cerave-pakistan.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 <cerave-pakistan.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 © 2025 CeraVe Pakistan®. All Right reserved", which misleadingly implies

*ownership or authorization from Complainant. Furthermore, the contact email listed as info@www.cerave-pakistan.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 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).*

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 Cerave-Pakistan.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 reproduction of its trademark within the DDN and the operation of a website that mimics the Complainant's official platform. The Respondent argues that, at the time of registration, the Complainant's trademark was not visible in Pakistan's public database and that the DDN was registered in good faith to provide Pakistani consumers with access to skincare products, supported by a pending trademark application for "CeraVe Pakistan."

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, combined with the addition of the geographic term "Pakistan," 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 international reputation of the Complainant's "CERAVE" mark and finds it implausible 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 branded products on its website, confirming its awareness of the mark.

While the Respondent contends that no information regarding the trademark was available in Pakistan's online registry, the Complainant has submitted Annex-4, evidencing a registration in Pakistan, thereby undermining the Respondent's claim. The Respondent's subsequent trademark application for "CeraVe Pakistan" further indicates knowledge of the Complainant's brand and an attempt to retroactively justify its conduct, which supports a finding of opportunistic bad faith.

The Complainant also invokes paragraph 4(b)(iv) of the Policy, asserting that the Respondent's use of the DDN resolves to a website imitating the Complainant's official site, misleading users into believing it is an authorized platform. The Panel agrees that the DDN is confusingly similar to the "CERAVE" trademark and that such similarity is likely to cause consumer deception. 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 conduct constitutes diversion of traffic for commercial gain.

The Respondent's use of the Complainant's identity elements, including its logo, copyright notice, and the presentation of its website as an "Official Store," reinforces the finding that the DDN was intended to impersonate the Complainant and misappropriate its goodwill. Such conduct constitutes bad faith use under the Policy (see *GEA Group Aktiengesellschaft v. J.D.*, WIPO Case No. D2014-0357).

Finally, the Panel emphasizes that the Respondent's arguments regarding transparency and compliance with local laws do not negate a finding of bad faith under the Policy, which is an international standard. As noted in Section 3.2.2 of the WIPO Overview 3.0, reliance on a local filing or registry omission does not cure an otherwise abusive registration.

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 <cerave-pakistan.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 interests 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 <cerave-pakistan.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: Muhammad Amaan Latif

Sole Panelist

Date: 17 September 2025