DNDRC
Domain Name Dispute Resolution Center

Domain Name Dispute Resolution Center (DNDRC)

Arbitration and Mediation Center

COMPLAINT PANEL DECISION

Case No. 2026-0015

Also in PDF C2026-0015

1. The Complainant

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

2. The Domain Name and Respondent

The domain name upon which the Complaint is based is <cerave-official.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 being Israr ul haq, with their address being Bahria Phase # 8, Islamabad and that the email address provided at the time of registration of the DDN is gbapps.pk@gmail.com, and taaniya.sep13@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 03 April 2026. DNDRC completed an administrative review of the Complaint and communicated the same to the Complainant on 05 April 2026.

Upon the Complainant's fulfillment of the procedural obligations on 16 April 2026, DNDRC formally requested the Respondent's registration details from PKNIC on 16 April 2026. PKNIC provided the requested details on 19 April 2026.

DNDRC issued a formal notification of the dispute to the Respondent on 20 April 2026, 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.

The Complaint, along with all relevant material, was referred to the appointed arbitrator for review and decision on 15 May 2026. The arbitrator completed the review and issued a decision on 12 June 2026. DNDRC, following the completion of the procedural obligations, transmitted the decision to the concerned parties on 12 June 2026.

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.

4. Factual Background

(a) Complainant

The Complainant's brief contentions are reproduced below:

The Complainant

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 <cerave-official.pk>, which reproduces Complainant's trademark CERAVE in its entirety, and associates it with the generic term "official" intersected by a hyphen, not reducing the risk of any confusion, but implying legitimcay. On the contrary, the composition of the domain name and the 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 fraudulent 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, in addition to an active email server ***(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. The hosting company complied with our request. However, the registrant re-configured the fraudulent site further to its deactivation (**Annexes 1 and 6).***

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

Therefore, the Complainant seeks the following remedy:

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

(b) Respondent

The Respondent has not submitted any response.

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

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

I. Identical or confusing similarity with a trademark or service in which the Complainant has rights (a UDRP criteria).
II. Legitimate interest in the domain name (a UDRP criteria).
III. Registration and use of the domain name in bad faith (a UDRP criteria).

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

The Complainant has made the following submissions:

A. ***<u>The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;</u>***
(Policy, Paragraph 4(a)(i); Rules, Paragraphs 3(b)(viii), (b)(ix)(1)).

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-official.pk> is virtually identical to Complainant's prior trademarks CERAVE.

Indeed, the DDN 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.

Further, the disputed domain name incorporates Complainant's trademark in its entirety, in conjunction with the term "official" 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.

Additionally, 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 (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 not submitted any response.

The Complainant contends that the DDN is confusingly similar to a trademark in which it holds rights and has submitted evidence demonstrating ownership of multiple registrations for the mark "CERAVE," including Pakistani Trademark Application No. 600258 dated January 22, 2021, European Trademark No. 016162752 dated December 14, 2016, and International Trademark Registration No. 1365989 dated June 15, 2017, covering inter alia Kazakhstan, Singapore, and Vietnam.

The Complainant further submits that the trademark CERAVE enjoys worldwide reputation and is used in connection with cosmetic products internationally, including in Pakistan. In support of its online presence, the Complainant also relies upon its domain name <cerave.fr>, registered on July 19, 2017.

To assess confusing similarity, the Panel refers to Paragraph 1.7 of the WIPO Overview 3.0, which provides that the test involves a side-by-side comparison of the domain name and the textual elements of the relevant trademark to determine whether the trademark is recognizable within the domain name. It further clarifies that where a domain name incorporates the entirety of a trademark, or a dominant feature thereof, it is generally considered confusingly similar to the mark for purposes of the UDRP. Applying this standard, the Panel finds that the Complainant's trademark “CERAVE” is clearly recognizable within the DDN, as the DDN <cerave-official.pk> reproduces the mark in its entirety. This conclusion is consistent with prior decisions cited by the Complainant, including WIPO Case No. D2023-5082, L’Oréal v. (chenlong), DNDRC Case No. C2022-0009, L’Oréal v. Irfan Shaukat, and DNDRC Case No. C2024-0018, L’Oréal v. Wajid Ali, wherein Panels held that the incorporation of a complainant’s trademark in its entirety is sufficient to establish confusing similarity.

The Panel further notes that the addition of the term “official” does not prevent a finding of confusing similarity and may increase the likelihood of confusion by suggesting that the DDN is an authorized or official website of the Complainant, particularly for Internet users seeking information on the Complainant’s cosmetic products in Pakistan. In this regard, the Panel accepts the Complainant’s contention that consumers may reasonably assume that the DDN is owned, endorsed, or otherwise affiliated with the Complainant. It is well established that the addition of descriptive or non-distinctive terms does not negate confusing similarity where the Complainant’s trademark remains the dominant and recognizable element of the domain name. This is supported by WIPO Case No. D2011-1627, L’Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang; WIPO Case No. D2010-1059, Rapidshare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin; and WIPO Case No. D2000-0113, The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.

With respect to the hyphen included in the DDN, the Panel agrees with the Complainant that punctuation marks such as hyphens are insufficient to distinguish a disputed domain name from a complainant’s trademark. This principle has been recognized in prior decisions including 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, where Panels held that hyphenation does not alter the dominant impression created by the incorporated trademark.

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 for domain name registration and is disregarded when assessing similarity under the Policy. This approach is further supported by 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, which confirm that the addition of a gTLD or ccTLD suffix does not affect the likelihood of confusion.

Accordingly, the Panel finds that the DDN is confusingly similar to a trademark in which the Complainant holds rights, and therefore the requirement under Paragraph 4(a)(i) of the Policy is satisfied.

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II. 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:

B. The Respondent has no rights or legitimate interests in respect of the domain name; (Policy, Paragraph 4(a)(ii); Rules, Paragraph 3(b)(ix)(2))

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-official.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 generic term "official" implying false legitimacy 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 most disputed domain name, 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 not submitted any response.

The Complainant contends that the Respondent lacks any rights or legitimate interests in the DDN, asserting that the Respondent is neither affiliated with nor authorized by the Complainant to use the trademark "CERAVE" or to register any domain name incorporating the mark. The Complainant further submits that its trademark rights significantly predate the registration of the DDN and that there is no evidence demonstrating that the Respondent is commonly known by the name "CERAVE." The Respondent has not submitted any response.

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 that the Respondent has not been licensed, authorized, or otherwise permitted to use the CERAVE trademark and by asserting the absence of circumstances under Paragraph 4(c) of the Policy. In the absence of any Response, the Respondent has failed to rebut the Complainant's prima facie case.

The Panel first considers whether the Respondent is commonly known by the DDN within the meaning of Paragraph 4(c)(ii) of the Policy. The record contains no evidence indicating that the Respondent has been commonly known by the name "CERAVE" or by the DDN. Rather, the evidence submitted by the Complainant demonstrates that the trademark "CERAVE" is closely associated with the Complainant and its cosmetic products worldwide, including in Pakistan. Accordingly, the Panel finds that the Respondent cannot establish rights or legitimate interests on this basis.

The Panel further notes that the DDN wholly incorporates the Complainant's CERAVE trademark together with the additional term "official." In line with Section 2.5.1 of the WIPO Overview 3.0, domain names identical or nearly identical to a complainant's trademark carry a high risk of implied affiliation. In the present case, the addition of the term "official" increases the likelihood that Internet users would mistakenly believe that the DDN is operated, endorsed, or authorized by the Complainant for the Pakistani market. The inclusion of the ccTLD ".pk" further reinforces such impression. Consequently, the Panel finds that the composition of the DDN itself supports a finding that the Respondent lacks rights or legitimate interests.

The Panel next considers whether the Respondent was using the DDN in connection with a bona fide offering of goods or services pursuant to Paragraph 4(c)(i) of the Policy. The evidence submitted by the Complainant shows that the DDN resolves to a website reproducing the Complainant's trademark, logos, visuals, and overall website structure, while offering purported CERAVE products for sale. The Panel accepts the Complainant's submission that such imitation creates a misleading impression that the website is an official platform of the Complainant intended for consumers in Pakistan. Prior UDRP Panels have consistently held that the imitation of a complainant's official website cannot confer rights or legitimate interests upon a respondent. In this regard, the Panel refers to WIPO Case No. D2010-0746, Birkenstock Orthopädie GmbH & Co KG v. Chen Yanbing.

The Panel also refers to the principles established in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, which set out the circumstances under which a reseller may establish rights or legitimate interests in a domain name incorporating a complainant's trademark. Among other requirements, a respondent must accurately disclose its relationship with the trademark owner and avoid creating a false impression of affiliation. In the present case, the DDN itself, coupled with the content and appearance of the website, falsely suggests that the Respondent is the trademark owner or an officially authorized distributor of the Complainant's products. The Panel therefore finds that the Respondent fails to satisfy the Oki Data criteria.

Additionally, the Panel notes the Complainant's submission that Internet users visiting the website are invited to provide sensitive personal and financial information, including names, addresses, and banking details, in order to purchase products. The configuration of an email server associated with the DDN further increases the risk of phishing or other deceptive activity. While there is insufficient evidence before the Panel to conclusively determine that phishing has occurred, the surrounding circumstances reinforce the absence of any bona fide or legitimate use of the DDN.

The Panel further accepts the Complainant's submission that the Respondent is using the DDN for commercial gain by misleadingly diverting consumers seeking the Complainant's official website and products. Such use does not constitute legitimate noncommercial or fair use under Paragraph 4(c)(iii) of the Policy. Moreover, prior Panels have recognized that where a DDN incorporates a widely known trademark without authorization, no plausible bona fide or legitimate use can reasonably be conceived. In this regard, the Panel refers to WIPO Case No. D2010-0138, LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master.

In light of the foregoing, and particularly in the absence of any Response from the Respondent, the Panel finds that the Respondent has no rights or legitimate interests in the DDN under Paragraph 4(a)(ii) of the Policy.

III. Registration and use in bad faith

The Complainant has made the following submissions:

C. <u>The domain name was registered and is being used in bad faith</u>
(Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3))

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

1. <u>Registration in bad faith</u>

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-official.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-official.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-official.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-official.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 distributing CeraVe products for Pakistan offering free shipping on all orders, along with a significant discount of up to 60%. 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-official.pk> is the official website offering authentic products online intended for the Pakistani market. 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**).*

*Additionally, the website falsely presents itself as an official platform by displaying the copyright notice © CeraVe Pakistan 2025, which misleadingly implies ownership or authorization from Complainant. 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.

The Respondent's bad faith is further and unequivocally demonstrated by the express content displayed on the website associated with the disputed domain name. The website prominently features the following notice: "We are only Original CeraVe Pakistan. Be aware of fake websites scamming customers with fake products."

This statement is manifestly false and deliberately misleading. By presenting itself as the "only Original CeraVe Pakistan", the Respondent falsely claims exclusivity and official status, while simultaneously attempting to discredit any legitimate or authorized channels of the Complainant. Such wording is plainly intended to reinforce consumer trust through deception, and to pre-empt suspicion by portraying the Respondent as a protector against fraud, when in fact the website itself is the source of counterfeit products.

The use of the disputed domain names to impersonate an official national presence of the Complainant, combined with the sale of counterfeit and expired products, constitutes compelling evidence of bad-faith registration and use. The Respondent's actions are aimed at unfairly capitalizing on the Complainant's trademark, disrupting its legitimate business, and misleading consumers, which fully satisfies the bad-faith requirement under the DNDRC Policy.

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 most disputed domain names 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 names 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 not submitted a response.

The Complainant asserts that the Respondent has registered and is using the DDN in bad faith, relying on the unauthorized incorporation of its CERAVE trademark and the associated offering of products under that mark. The Respondent has not submitted any response. The Panel refers to paragraph 3.1.4 of the WIPO Overview 3.0 and finds that the incorporation of the Complainant's trademark CERAVE in its entirety within the DDN is, in itself, indicative of bad faith. The Panel proceeds to assess both registration and use separately.

To establish bad faith in registration, it is sufficient to show that the Respondent knew or ought to have known of the Complainant's trademark at the time of registering the DDN and that the registration targeted the Complainant (see WE-EF LEUCHTEN GmbH v. wang yajun, WIPO Case No. D2025-1723). In this case, the Panel recognizes the global reputation of the CERAVE mark, as evidenced by its widespread international registrations and use in connection with cosmetic products, including in Pakistan, and finds it implausible that the Respondent was unaware of such a distinctive mark at the time of registration. This inference is further supported by the composition of the DDN itself, which wholly reproduces the CERAVE trademark together with the term "official," suggesting an intent to target and impersonate the Complainant.

The Complainant also submits that the DDN was registered with knowledge of its prior trademark rights, which significantly predate the registration of the DDN. While no specific rebuttal has been provided by the Respondent, the documentary evidence submitted by the Complainant, including its trademark registrations, supports this assertion and undermines any suggestion of good faith registration.

The Complainant further invokes paragraph 4(b)(iv) of the Policy, asserting that the Respondent has used the DDN to attract Internet users to a fraudulent website by creating a likelihood of confusion with the Complainant's mark. The Panel agrees that the DDN is confusingly similar to the CERAVE trademark and that this similarity is inherently capable of misleading Internet users. As held in MasterCard International Incorporated v. Wavepass AS, WIPO Case No. D2012-1765, and Edmunds.com, Inc. v. Triple E Holdings Limited, WIPO Case No. D2006-1095, such conduct is consistent with diversion for commercial gain.

The Panel further notes that the website associated with the DDN reproduces the Complainant's trademark, logo, and overall visual identity, and presents itself as an official store for CERAVE products in Pakistan, including promotional offers and discounts designed to attract consumers. This reinforces a finding that the DDN is being used to impersonate the Complainant and mislead consumers. The absence of any response from the Respondent further supports the inference that no plausible legitimate explanation exists for such use.

The Panel finds that such conduct is consistent with bad faith use under paragraph 4(b)(iv) of the Policy. The Panel further considers that, in the absence of rights or legitimate interests and given the totality of circumstances, including impersonation and misleading presentation of the website, bad faith is established under paragraph 3.1.4 of the WIPO Overview 3.0.

Accordingly, the Panel finds that the Respondent has both registered and used the DDN in bad faith under Paragraph 4(a)(iii) of the Policy.

7. Decision

Upon reviewing the contentions and supporting evidence submitted by both Parties, the Panel finds that the Complainant has successfully established all elements required under the PKNIC - Internet Domain Registration Policy and the UDRP. The Panel recognizes that the "cerave-official.pk" mark is registered to the Complainant and the Respondent has no legitimate rights over it. Therefore, the continuous use of the DDN pertaining to the Complainant's registered trademark could result in hinderance in exercise of the rights of the Complainant in the trademark 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 DDN is identical to the registered trademark of the Complainant;
2. The Respondent has no legitimate interest in the DDN;
3. 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 <cerave-official.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: 12 June 2026