



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. A4DB8698

Determination DEFAULT

I. PARTIES

Complainant(s): Laboratoires M&L (FR)
Complainant's authorized representative: IP Twins (FR)

Respondent(s): Lai Zhi Wei (CN)

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Name: occitane.site
Registry Operator: GMO Radix Technologies Inc.
Registrar: DNSPod, Inc.

III. PROCEDURAL HISTORY

Complaint submitted: 10 April 2025
Lock of the domain name(s): 18 April 2025
Notice of Complaint: 19 April 2025
Default Date: 3 May 2025
Notice of Default: 5 May 2025
Panel Appointed: 8 May 2025
Default Determination issued: 10 May 2025

IV. EXAMINER

Examiner's Name: The Honorable Neil Anthony Brown KC.

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

The Complainant, Laboratoires M & L, Societe Anonyme, is the owner of the L'OCCITANE trademarks, including but not limited to:

- (a) The European Union Intellectual Property Office trademark No. 000368159 for L'OCCITANE, registered on 1 September 1998 in the name of the Complainant, duly renewed and designating goods in international classes 03, 05, 21, 24 and 25;
- (b) The United States trademark number 2021793 for L'OCCITANE, registered with the United States Patent and Trademark Office in the name of the Complainant on 10 December 1996, duly renewed and designating goods in international classes 03 and 05

(collectively “the L'OCCITANE trademark”).

The official website of the Complainant is <https://www.loccitane.com> which offers goods and services under the L'OCCITANE trademark.

The Complainant assert the following regarding the Respondent:

- 1. The registered domain name is identical or confusingly similar to a word mark (URS 1.2.6.1): for which the Complainant holds several international registrations and that are in current use;
- 2. The Registrant has no legitimate right or interest in the domain name (URS 1.2.6.2);
- 3. The domain name was registered and is being used in bad faith (URS 1.2.6.3).

B. Respondent:

The Respondent did not file an official Response within the deadline.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

C. Findings of fact: The Complainant was founded in 1976 and is part of the L'Occitane Group. It is a manufacturer and distributor of make-up and cosmetic products, notably under the L'Occitane brand.

The Complainant owns several trademarks including the foregoing L'OCCITANE trademark that is used widely, including on its official website at www.loccitane.com. The Complainant's trademark rights predate the registration of the domain name.



The disputed domain name is similar to the L'OCCITANE trademark, the only difference being that the apostrophe of the trademark has been deleted, which is so minor that it could not negate a finding of confusing similarity between the domain name and the trademark. The generic Top Level Domain "site" has been added but that is not taken into account in determining confusing similarity as all domain name must have such an extension.

The name of the Respondent has been redacted for privacy, but the Respondent would appear to be located in China.

The WHOIS record shows that the domain name was registered on 16 March 2025, which was notably well after the Complainant had established its aforesaid trademark rights in 1996 and 1998.

Despite the fact that the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim (URS6.3).

E. Reasoning:

1. The domain name is identical or confusingly similar to a word mark

To satisfy URS 1.2.6.1, the Complainant must prove its rights in a word mark and that the Domain Name is identical or confusingly similar to the word mark. The Panel accepts that the Complainant's evidence has proved its rights in the aforesaid L'OCCITANE trademark.

The Complainant has submitted that the Domain Name is confusingly similar to the trademark which is a word mark. The Examiner accepts that submission. There is only a very small difference between the domain name and the trademark, as only the letter "L" and the apostrophe have been deleted, making the domain name very similar to the trademark. The Respondent has added to the trademark the generic Top Level Domain ".site", but as already noted, this is not taken into account in making the comparison. Thus, the domain name is confusingly similar to the trademark as internet users would read it to being a domain name of the Complainant or authorized by it.

For these reasons the Examiner finds that the Complainant has satisfied URS 1.2.6.1.

2. Respondent has no rights or legitimate interests to the domain name

The Complainant is required to make out a *prima facie* case that the Respondent lacks rights or legitimate interests in the domain name. Once such a *prima facie* case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name - WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition. The Respondent must therefore present adequate evidence in support of any claims concerning its alleged rights or legitimate interests in the domain name. In the present case the Respondent is in default and has not filed a Response.

The Complainant's *prima facie* case is made out as it has shown that the domain name resolves to a website that is offering cosmetic goods for sale and reproducing the word "occitane". A screenshot of the Respondent's website is shown at Annex 6 and it reveals a website under the name "Occitane" which is a clear attempt to give the impression that it is an official and genuine L'Occitane site, which it is not. The screenshot shows cosmetics for sale which are the same as or similar to the Complainant's official and genuine products; some are specifically described as "hand cream", "lip balms", "body care", and "facial care". Thus, what the Respondent has done is to take the Complainant's trademark and use it for offering goods competing with the official and genuine goods of the Complainant offered under its trademark. There is no way in which such deceptive conduct could give rise to a right or legitimate interest in the domain name. In particular, such conduct could not be a *bona fide* offering of goods or services.

It is also apparent that the Respondent is not commonly known by the domain name. There is no evidence that it is so known and there is no evidence that the Respondent is known by any name other than its own.

Moreover, it could not be contended that the Respondent registered the domain name because it was a dictionary word. The word itself is clearly arbitrary and is well known as the Complainant's trademark.

Finally, there is no evidence that could conceivably show that there was any other ground on which the domain name could give rise to a right or legitimate interest. In any event, the Respondent is in default, has not filed a Response and has not given any explanation for its untoward conduct.

The Complainant has therefore made out the second of the three elements that it must establish.

3. The domain name was registered and is being used in bad faith

The obligation is on the Complainant to show that why the domain name should be considered as having been registered and used in bad faith by the Respondent.

The Complainant seeks to do this by its submission that it could well be that the Respondent registered the domain name with the intention of trying subsequently to sell it to the Complainant or a competitor, making such conduct clearly bad faith registration and use. The Panel agrees with that submission as it is more likely than not to be true.

The Complainant also submits that the Respondent must have known of the Complainant, its name and products when it registered the domain name. The Examiner agrees with that submission because of the fame of the Complainant, its trademark, brand and products.

It is also true, as the Complainant submits, that the Respondent's conduct was calculated to generate confusion between the Complainant's official website and the Respondent's false copy of it, with the inevitable result that internet users would be diverted to the Respondent's site. That is clearly bad faith.

The Complainant also tendered the result of a Google search of 'occitane'. This showed that the only results were linked to the Complainant, demonstrating how prominent the name is.



All of these considerations show very clearly that the Respondent registered and used the domain name in bad faith and that the Complainant has satisfied URS 1.2.6.3.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name: <occitane.site>. Suspends for the balance of the registration period.

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: The Honorable Neil Anthony

Surname: Brown KC

Date: 10 May 2025