



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

**URS DISPUTE NO. 53BBB751**

Determination DEFAULT

**I. PARTIES**

Complainant(s): GROUP Fourteen IP Pty Ltd (AU)  
Complainant's authorized representative: IP Twins (FR)

Respondent(s): Jbdh Tbuue (CN)

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

Domain Name(s): GROWN-ALCHEMIST.XYZ  
Registry Operator: Xyz.com, LLC  
Registrar: 1API GmbH

**III. PROCEDURAL HISTORY**

Complaint submitted: 2023-02-07 15:27  
Lock of the domain name(s): 2023-02-10 11:01  
Notice of Complaint: 2023-02-10 15:19  
Default Date: 2023-02-25 00:00  
Notice of Default: 2023-02-27 12:25  
Panel Appointed: 2023-02-27 12:29  
Default Determination issued: 2023-03-01 13:27

**IV. EXAMINER**

Examiner's Name: Paddy Tam

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, GROUP Fourteen IP Pty Ltd, is the owner of the GROWN ALCHEMIST trademarks, including but not limited to:

- Australian trademark GROWN ALCHEMIST No. 1497869, filed and registered on 22 June 2012 in the name of Complainant, duly renewed, and covering products and services in Nice classes 3 and 35;
- International trademark GROWN ALCHEMIST No. 1130921, registered on 16 July 2012 in the name of Complainant, duly renewed, covering products and services in Nice classes 3 and 35, and designating CN, EM, JP, KR, RU, SG, and US.

The official website of the Complainant is <https://www.grownalchemist.com> where GROWN ALCHEMIST products are offered.

The Complainant asserts the following regarding the Respondent:

1. The registered domain name is identical or confusingly similar to a word or mark [URS 1.2.6.1]: for which the Complainant holds several international registrations and that are in current use;
2. Registrant has no legitimate right or interest to 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.

## **D. Findings of fact:**

The Complainant was founded in 2008 and is a key actor of the cosmetic field. The Complainant offers futuristic anti-aging technology and botanical skincare formulas for skin health. The products of the Complainant are sold internationally, in shops such as Boontheshop, Le Bon Marché, Barneys, and Fred Segal, and have been featured in magazines like American and Italian Vogue, Harper's Bazaar, and Elle. The Complainant is part of the world-renown L'OCCITANE Group (L'OCCITANE, MELVITA, ERBORIAN, L'OCCITANE AU BRESIL, LIMELIFE BY ALCONE, SOL DE JANEIRO, and ELEMIS).

The Respondent is apparently an individual located in Hong Kong, China.

The Disputed Domain Name was registered on 2022-06-08, well after the GROWN ALCHEMIST trademarks.

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]



## **E. Reasoning:**

### **1. The domain name(s) is(are) identical or confusingly similar to a word mark**

To satisfy URS 1.2.6.1, the Complainant needs to prove its rights in a word mark and that the domain name is identical or confusingly similar to the word mark.

In the present case, the Examiner is satisfied that the Complainant is a well-known cosmetic manufacturer who also owns trademark registrations for GROWN ALCHEMIST globally.

The Complainant claims that the Disputed Domain Name is identical to Complainant's GROWN ALCHEMIST trademarks save for the hyphen, which does not affect the risk of confusion. The top-level domain is not taken into consideration when assessing the risk of confusion.

The Examiner accepts that the Disputed Domain Name is an exact match to Complainant's trademark, and the hyphen ("-") and the generic top-level domain ".xyz" do not negate the likelihood of confusion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.1.

### **2. Respondent has no rights or legitimate interests to the domain name(s)**

To satisfy URS 1.2.6.2, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the Disputed Domain Name, and the burden of prove then shifts to the Respondent to show it does have rights or legitimate interests.

The Complainant asserts that the Disputed Domain Name is not used in connection with a bona fide offering of goods or services. Instead, the Disputed Domain Name resolves to an online shop which is a copycat version of the Complainant's website including a navigation bar at the top that displays the mark "GROWN ALCHEMIST" prominently, an image of the Complainant's body cleansers in the center (the Respondent thereby also makes use of Complainant's promotional material), and more suggested products as Internet users will scroll down. The Complainant further submits that the products on the website are counterfeits due to the heavy discount which contradicts to the practice of the Complainant.

The Examiner finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Respondent has not rebutted the assertion.

For the foregoing reasons, the Panel finds the Complainant has satisfied URS 1.2.6.2.

### **3. The domain name(s) was(were) registered and is(are) being used in bad faith**

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the Disputed Domain Name is in bad faith.

The Complainant alleges that the Respondent offers counterfeit GROWN ALCHEMIST products for sale on the website resolved by the Disputed Domain Name which also shows the Respondent must have had knowledge of the business of Complainant. The Complainant has also submitted the results of a Google search showing that the terms “grown alchemist” are all linked to the Complainant.

Having reviewed the screenshots of the websites resolved by the Disputed Domain Name and in the absence of a timely Response submitted by the Respondent, the Examiner agrees that the Respondent did have actual knowledge of the GROWN ALCHEMIST trademark demonstrating the bad faith registration and disrupts Complainant’s business by attempting to commercially benefit from the reputation of the Complainant’s GROWN ALCHEMIST trademarks in bad faith.

For the foregoing reasons, the Panel finds 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(s): GROWN-ALCHEMIST.XYZ 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: Paddy

Surname: Tam

Date: 2023-03-01