

ADMINISTRATIVE PANEL DECISION

Alessandra Rich Ltd. v. 丽梁

Case No. D2022-4379

1. The Parties

The Complainant is Alessandra Rich Ltd., United Kingdom, represented by Rapisardi Intellectual Property, Italy.

The Respondent is 丽梁, China.

2. The Domain Name and Registrar

The disputed domain name <alessandra-rich.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 17, 2022. On November 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 18, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on November 18, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on November 18, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 21, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 11, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 14, 2022.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on December 23, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a famous fashion designer operating under the trademark ALESSANDRA RICH, which is also the Complainant's name. The Complainant owns a number of trademark registrations for ALESSANDRA RICH such as European Union registration No. 010124162, registered on December 20, 2011.

The disputed domain name was registered on April 26, 2022 and resolves to a website which purportedly offers products of the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Complainant owns the trademark ALESSANDRA RICH.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use its trademark.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent used the disputed domain name to attract for commercial gain Internet users to its website creating a likelihood of confusion with the Complainant. The disputed domain name resolves to a website, which prominently shows the trademark of the Complainant using the font used by the Complainant. The website offers for sale products identical to those of the Complainant. Furthermore, it appears that a certain customer was charged the price of an item, which she never received.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant owns trademark registrations for the trademark ALESSANDRA RICH. The Panel is satisfied that the Complainant has established its ownership of the trademark ALESSANDRA RICH. The disputed domain name incorporates the Complainant's trademark ALESSANDRA RICH in its entirety. The addition of the hyphen "-" does not prevent a finding of confusing similarity. The generic Top-Level Domain ("gTLD") ".com" is generally ignored when assessing confusing similarity.

Consequently, the Panel finds that the disputed domain name is confusingly similar to the trademark of the Complainant and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

A complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. In the instant case, the Complainant asserts that the Respondent is not authorized

by the Complainant to use its trademark, and that the Respondent does not have rights or legitimate interests. Therefore, the Complainant has established a *prima facie* case and the burden of production shifts to the Respondent to show that it has rights or legitimate interests.

The Panel finds it necessary to assess whether there is a *bona fide* offering of goods or services as the disputed domain name resolves to a website through which products bearing the Complainant's trademark seem to be sold.

The Panel notes that prices of the products being purportedly offered are significantly low, which indicates that either these are counterfeit products or that these products will never be delivered. The Panel notes that the latter scenario seems to have already occurred as demonstrated by the Complainant, noting the email of an Internet user that was charged of a purchase done through the website at the disputed domain name, but that never got a confirmation email, nor a response to the multiple queries about the purchase. As a result, the Panel finds that the website to which the disputed domain name resolves may be offering counterfeit products or may be used to defraud consumers (charging for products that are not delivered). The conduct of selling counterfeit or of defrauding consumers cannot confer rights or legitimate interests. Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

There are indications that the disputed domain name is registered and is being used in bad faith. The nature of the disputed domain name suggests affiliation with the Complainant as it incorporates the Complainant's trademark in full. The use of the Complainant's name on the website to which the disputed domain name resolves reinforces such impression. The disputed domain name resolves to a website, which possibly offers counterfeits of the Complainant's products or defrauds consumers. As such, the disputed domain name suggests false affiliation with the Complainant in order to attract Internet users for commercial gain. Such conduct falls squarely within the meaning of paragraph 4(b)(iv) of the Policy, and accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <alessandra-rich.com> be transferred to the Complainant.

/Nayiri Boghossian/

Nayiri Boghossian

Sole Panelist

Date: January 6, 2023