

ADMINISTRATIVE PANEL DECISION

Victoria Beckham v. Weihua Chen
Case No. D2022-3515

1. The Parties

The Complainant is Victoria Beckham c/o Lee & Thompson LLP, United Kingdom, represented by Demys Limited (a Com Laude Group company), United Kingdom.

The Respondent is Weihua Chen, China.

2. The Domain Name and Registrar

The disputed domain name <victoria-beckham.shop> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 22, 2022. On September 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 September 26, 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 amended Complaint on the same day.

The Center verified that the Complaint together with the amended 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 October 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2022.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on October 28, 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 an English singer, international celebrity, fashion designer and businessperson. In 2008, the Complainant launched her own fashion label (for clothing, shoes, bags, accessories, cosmetics, etc.), which has been internationally recognized obtaining various awards.

The Complainant owns various trademark registrations for its brand, including: United Kingdom Trademark Registration No. 902543320, VICTORIA BECKHAM, registered on January 22, 2007, classes 9, and 4; European Union Trademark Registration No. 002543320, VICTORIA BECKHAM, registered on January 22, 2007, in classes 9, and 41; and International Registration No. 1163611, VICTORIA BECKHAM, registered on June 14, 2012, in classes 3, 9, 14, 18, 24, 25, and 35.

The Complainant further owns the domain name <victoriabeckham.com>, which resolves to her official website and online shop.

The disputed domain name was registered on July 14, 2022.

The disputed domain name currently resolves to a website, in English language, that reproduces the VICTORIA BECKHAM trademark at the top of its heading, and offers for sale clothing, accessories, shoes, bags and jewelry purportedly of this trademark.

5. Parties' Contentions

A. Complainant

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

First, the Complainant submits that the disputed domain name is identical or confusingly similar to the VICTORIA BECKHAM trademark registrations of the Complainant.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith.

The Complainant request the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements which a complainant must satisfy in order to succeed. The Complainant must satisfy that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of such disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical or confusingly similar to the Complainant's trademark.

The Complainant holds several valid VICTORIA BECKHAM trademark registrations.

The disputed domain name is confusingly similar to the Complainant's trademarks since it reproduces the VICTORIA BECKHAM trademarks with the addition of a "-" dash sign between both names.

The disputed domain name thus incorporates the Complainant's VICTORIA BECKHAM trademark in its entirety. As numerous UDRP panels have held, where at least a dominant feature of the relevant trademark is recognizable in the disputed domain name, it is sufficient to establish that the disputed domain name is identical or confusingly similar to a registered trademark.

The Panel finds the first element of the Policy has therefore been met.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the disputed domain name:

- (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.

There is no evidence of the existence of any of those rights or legitimate interests. The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or its trademarks. The Complainant has prior rights in the trademarks which precede the Respondent's registration of the disputed domain name. The Respondent is using the disputed domain name in a way which cannot constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use, as it will be explained in the next point.

The Complainant have therefore established a *prima facie* case that the Respondent has no rights and legitimate interests in the disputed domain name and thereby shifted the burden to the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to rebut the Complainant's *prima facie* case.

In addition, the nature of the disputed domain name carries a high risk of implied affiliation.

Therefore, the Panel finds that the Complainant has satisfied the second requirement of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Complainant must prove both that the disputed domain name was registered in bad faith and that it is being used in bad faith.

The Complainant's allegations with regard to the Respondent's registration and use of the disputed domain name in bad faith has been considered by the Panel. These allegations have not been contested by the Respondent.

With respect to registration in bad faith, several prior decisions under the Policy have recognized the reputation of the Complainant and her trademark (See *Victoria Beckham v. David James*, WIPO Case No. [D2017-0035](#); *Victoria Beckham v. Whoisguard Protected, WhoisGuard, Inc.*, WIPO Case No. [D2015-2229](#); *Victoria Beckham, David Beckham v. Contact Privacy Inc. Customer 1247653581/ Cynthia Panford*, WIPO Case No. [D2021-1841](#); *Victoria Beckham v. Viktor Pavlenko*, WIPO Case No. [D2015-0840](#) and *Victoria Beckham v. Ying Ma*, WIPO Case No. [D2022-2587](#)).

In addition, the Panel visited the disputed domain name and was able to verify that it resolves to an online shop where purportedly the Complainant's products are offered under big discounts to Internet users with no disclaimer and pretending to be an online official store of the Complainant. The Complainant's trademark is displayed prominently at the top of the website.

Thus, it is clear that the Respondent was aware of the Complainant and her trademark when he registered the disputed domain name.

The Panel considers that, the Respondent has registered and used the disputed domain name in an attempt to generate affiliation with the Complainant, her famous trademark, and her official website, with the intention to mislead Internet users about the probable lack of authenticity of the products and the true origin of the Respondent's website, in order to increase traffic of this site for an illegal activity.

Accordingly, the Panel concludes that the Complainant has met its burden of establishing that the Respondent does not have any rights or interests in the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith under the second and third element 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 <victoria-beckham.shop> be transferred to the Complainant.

/Pablo A. Palazzi/

Pablo A. Palazzi

Sole Panelist

Date: November 14, 2022