

ADMINISTRATIVE PANEL DECISION

Camilla Australia Pty Ltd. v. Knjej Undei

Case No. D2023-0643

1. The Parties

The Complainant is Camilla Australia Pty Ltd., Australia, represented by Strategic IP Information Pte Ltd., Singapore.

The Respondent is Knjej Undei, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <outletcamilla.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 February 11, 2023. On February 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 15, 2023, 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 (Domain Protection Services Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 16, 2023 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 February 20, 2023.

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 February 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on March 23, 2023. 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 luxury fashion brand for women's wear founded by the Australian fashion designer Camilla Franks. The Complainant was incorporated in 2009 and its products are sold under the trademark CAMILLA.

The Complainant owns several registrations for the trademark CAMILLA (stylized), *inter alia*, the United States trademark registration no. 86810372 registered on August 22, 2017, in class 35 and the Australian trademark registration no. 1443488 registered on August 18, 2011, in classes 3, 9, 14, 24 25 and 35.

The Complainant also offers its products on the website posted under its domain name <camilla.com>.

The disputed domain name was registered on May 24, 2022.

The website posted under the disputed domain name claims to offer the Complainant's CAMILLA products at heavily discounted prices and has used the Complainant's brand imagery and copyright images.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is confusingly similar to the CAMILLA trademark in which the Complainant has rights, because it incorporates this trademark in its entirety, and the addition of the word "outlet" is not sufficient to avoid confusing similarity.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The brand name CAMILLA is distinctive of the Complainant's products. The Respondent has not been authorized by the Complainant to use this trademark nor the materials posted on the Complainant's website. The Respondent's website comprises unauthorized copies of the Complainant's products and product photographs.

The disputed domain name was registered and is being used in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its trademark CAMILLA at the time it registered the disputed domain name. The Respondent's bad faith in registering and using the disputed domain name is further evidenced in the fact that the website to which it redirects contains images of CAMILLA products (in the form of unauthorized copies of CAMILLA brand photography), as an attempt to have the website associated with or endorsed by the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the 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 Panel is satisfied that the Complainant owns trademark registrations for its CAMILLA trademark.

The Panel notes that the disputed domain name incorporates the CAMILLA trademark in its entirety. The addition of the term “outlet” does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8.

The addition of the generic Top-Level Domain “.com” in the disputed domain names is a standard registration requirement and as such is disregarded under the confusing similarity test under Policy, paragraph 4(a)(i). See [WIPO Overview 3.0](#), section 1.11.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s mark CAMILLA.

The first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademark CAMILLA, nor the photographs and other materials posted on the Complainant’s website. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

In the view of the Panel, noting that the Complainant’s trademark predates the registration of the disputed domain name, the nature of the disputed domain name, and considering that the website posted under the disputed domain name purports to offer the Complainant’s CAMILLA products, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Respondent’s use of the disputed domain name has shown that the website to which the disputed domain name redirects contains images of CAMILLA products in the form of unauthorized copies of CAMILLA brand photography. The Panel thus finds that by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion as to the source, sponsorship or affiliation of its website in the sense of paragraph 4(b) (iv) of the Policy.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith. The third element of paragraph 4(a) of the Policy has been met.

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, <outletcamilla.com>, be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: April 6, 2023