

ADMINISTRATIVE PANEL DECISION

RIVER LIGHT V, L.P. , Tory Burch LLC v. Name Redacted / Ellery Barnes / Brandy Parish / Colleen Kirkham / Solomon Enterprises / Charles Young / Chidi Chima / Kim Mineo / Sarah Flood / Scott Weller / Susan Embrose / Heather Sloven / Tyler Russell / April Frey / Melanie Ducharme / Alexandre Daneau / Gary Brush / Pablo Garcia / Cynthia Carlisle / Abishek Gopal / Marcus Williams / Garth Grosjean / Vikas Kaushall / Alexa Molina / Tess Balsley / Cynthia Carlisle / Herz Claudia / Web Commerce Communications Limited, Client Care / Julius Bergman / FANNY Isaksson
Case No. D2023-2690

1. The Parties

The Complainants are RIVER LIGHT V, L.P. and Tory Burch LLC, United States of America (“United States”), represented by Dorf & Nelson LLP, United States.

The Respondents Solomon Enterprises / Brandy Parish / Marcus Williams / Abishek Gopal / Cynthia Carlisle / Ellery Barnes / Alexa Molina / April Frey / Colleen Kirkham / Heather Sloven, / Susan Embrose, / Scott Weller / Sarah Flood / Kim Mineo / Charles Young / Tess Balsley, United States of America.

The Respondents Name Redacted¹ / Vikas Kaushall / Garth Grosjean/ Pablo Garcia / Gary Brush / Alexandre Daneau / Melanie Ducharme / Tyler Russell / Chidi Chima, Canada.

The Respondents FANNY Isaksson / Herz Claudia, Germany.

The Respondent Julius Bergman, France.

The Respondent Web Commerce Communications Limited, Client Care, Malaysia.

¹ The Respondent appears to have used the name of a third party when registering one of the disputed domain names. In light of the potential identity theft, the Panel orders that the individual named as Respondent be redacted from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding the transfer of the disputed domain names, which includes the names of the Respondents. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

2. The Domain Names and Registrar

The disputed domain names <toryburch-argentina.com>, <toryburchargentina.com>, <toryburchaustralia.com>, <toryburchaustraliaoutlet.com>, <toryburchbagsale.com>, <toryburchbagsingapore.com>, <toryburchbagsphilippines.com>, <toryburchbarcelona.com>, <toryburch-belgium.com>, <toryburchbelgium.com>, <toryburchbudapest.com>, <toryburchcanada.com>, <toryburchcanadaonline.com>, <toryburchcanadaoutlet.com>, <toryburch-chile.com>, <toryburchcolombia.com>, <toryburchcostarica.com>, <toryburchcz.com>, <toryburchdanmark.com>, <toryburch-denmark.com>, <toryburchdenmark.com>, <toryburch-deutschland.com>, <toryburchdeutschland.com>, <toryburchdeutschlandonline.com>, <toryburchecuador.com>, <toryburchegypt.com>, <toryburch-espana.com>, <toryburchespana.com>, <toryburchfactoryoutlet.com>, <toryburchfactoryoutletuk.com>, <toryburchfinland.com>, <toryburch-france.com>, <toryburchfrance.com>, <toryburch-greece.com>, <toryburchgreece.com>, <toryburchhrvatska.com>, <toryburch-hungary.com>, <toryburchhungary.com>, <toryburch-ireland.com>, <toryburchireland.com>, <toryburch-israel.com>, >, <toryburchisrael.com>, <toryburch-italia.com>, <toryburchitalia.com>, <toryburchjapan.com>, <toryburch-ksa.com>, <toryburchksa.com>, <toryburchmalaysia.com>, <toryburch-mexico.com>, <toryburchmexico.com>, <toryburchmexicomx.com>, <toryburch-nederland.com>, <toryburchnederland.com>, <toryburch-norge.com>, <toryburchnorge.com>, <toryburchnorway.com>, <toryburchnz.com>, <toryburchnzstore.com>, <toryburchosterreich.com>, <toryburchoutletcanada.com>, <toryburchoutletdubai.com>, <toryburchoutletgreece.com>, <toryburchoutletitalia.com>, <toryburchoutletjapan.com>, <toryburchoutletsonline.com>, <toryburchoutletsuk.com>, <toryburchoutletswebsite.com>, <toryburchoutletturkiye.com>, <toryburchoutletuk.com>, <toryburchoutletusa.com>, <toryburchoutletwebsite.com>, <toryburchparis.com>, <toryburchperu.com>, <toryburch-polska.com>, <toryburchpolska.com>, <toryburchportugal.com>, <toryburchportugallisboa.com>, <toryburchpuertorico.com>, <toryburchrea.com>, <toryburchromania.com>, <toryburchsaleireland.com>, <tory-burch-schweiz.com>, <toryburch-schweiz.com>, <toryburchschweiz.com>, <toryburchslovenija.com>, <toryburchslovensko.com>, <toryburch-southafrica.com>, <toryburchsouthafrica.com>, <toryburch-suomi.com>, <toryburchsuomi.com>, <toryburchtasoutlet.com>, <toryburch-thailand.com>, <toryburch-turkiye.com>, <toryburchturkiye.com>, <toryburchuae.com>, <toryburchuaeonline.com>, <toryburchuaesale.com>, <toryburchuk.com>, <toryburchukwebsite.com>, <toryburchuruguay.com>, <toryburchusa.com>, <toryburchusashop.com>, <toryburchusawebsite.com>, <toryburchvenezuela.com> are registered with Alibaba.com Singapore E-Commerce Private Limited (the “first Registrar”).

The disputed domain name <toryburch-portugal.com> is registered with NETIM SARL (the “second Registrar”).

The disputed domain name <toryburch-hrvatska.com> is registered with 1API GmbH (the “third Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 22, 2023.

On July 6, 2023, the Center transmitted by email to the first Registrar a request for registrar verification in connection with the disputed domain names. On July 7, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (ALIBABA.COM SINGAPORE ECOMMERCE PRIVACY LIMITED, 1API GMBH, NETIM SARL, and John Doe) and contact information in the Complaint.

On July 6, 2023, the Center transmitted by email to the second Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 and contact information in the Complaint.

On July 6, 2023, the Center transmitted by email to the third Registrar a request for registrar verification in connection with the disputed domain name. On July 7, 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 and contact information in the Complaint.

The Center sent an email communication to the Complainants on July 21, 2023, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on July 25, 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 Respondents of the Complaint, and the proceedings commenced on August 10, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2023. The Center received e-mail messages on August 22, 2023, and August 24, 2023, from the individual that had been named as Respondent in connection with the disputed domain name <toryburchusawebsite.com> stating that he does not own nor has ever owned rights in it.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on October 20, 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

Tory Burch LLC ("the Second Complainant") was founded in 2004 by the fashion designer Ms. Tory Burch. The Complainants exploit the luxury business, providing ready-to-wear, handbags, footwear, accessories, jewellery, home and beauty products, having global sales revenues in excess of USD 1 billion.

The Complainants operate the "www.toryburch.com" website which was launched in 2004 as well as RIVER LIGHT V, L.P. ("the First Complainant") is the owner of the following, amongst other, trademark registrations for TORY BURCH:

- United States Trademark Registration No. 3,386,532 for the word mark TORY BURCH, registered on February 19, 2008, subsequently renewed, covering services in class 35;
- United States Trademark Registration No. 3,428,373 for the word mark TORY BURCH, registered on May 13, 2008, subsequently renewed, covering products in class 25;
- United States Trademark Registration No. 3,428,374 for the word mark TORY BURCH, registered on May 13, 2008, subsequently renewed, covering products in class 18;
- United States Trademark Registration No. 3,428,816 for the word mark TORY BURCH, registered on May 13, 2008, subsequently renewed, covering products in class 14;
- United States Trademark Registration No. 3,758,631 for the word mark TORY BURCH, registered on March 9, 2010, subsequently renewed, covering products in class 9;
- United States Trademark Registration No. 3,814,500 for the word mark TORY BURCH, registered on July 6, 2010, subsequently renewed, covering products in class 4; and
- United States Trademark Registration No. 4,432,774 for the word mark TORY BURCH, registered on November 12, 2013, covering products in class 3.

The disputed domain names were registered on and are presently used in connection with:

<toryburch-argentina.com>	April 13, 2023	Fraud alert is displayed when attempting to access the website.
<toryburchargentina.com>	March 30, 2023	No active webpage
<toryburchaustralia.com>	March 29, 2023	No active webpage
<toryburchaustraliaoutlet.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchbagsale.com>	March 29, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchbagsingapore.com>	March 29, 2023	No active webpage
<toryburchbagsphilippines.com>	March 29, 2023	Fraud alert is displayed when attempting to access the website.
<toryburchbarcelona.com>	April 15, 2023	No active webpage
<toryburch-belgium.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchbelgium.com>	March 30, 2023	No active webpage
<toryburchbudapest.com>	April 15, 2023	No active webpage
<toryburchcanada.com>	March 29, 2023	No active webpage
<toryburchcanadaonline.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchcanadaoutlet.com>	March 29, 2023	No active webpage
<toryburch-chile.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchcolombia.com>	March 30, 2023	No active webpage
<toryburchcostarica.com>	March 31, 2023	No active webpage
<toryburchcz.com>	March 30, 2023	No active webpage
<toryburchdanmark.com>	March 29, 2023	No active webpage
<toryburch-denmark.com>	April 17, 2023	No active webpage
<toryburchdenmark.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburch-deutschland.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchdeutschland.com>	March 30, 2023	No active webpage
<toryburchdeutschlandonline.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchecuador.com>	March 31, 2023	No active webpage
<toryburchegypt.com>	April 14, 2023	Online shop reproducing the Complainant's mark and products.
<toryburch-espana.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchespana.com>	March 30, 2023	No active webpage
<toryburchfactoryoutlet.com>	April 7, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchfactoryoutletuk.com>	April 7, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchfinland.com>	April 17, 2023	No active webpage
<toryburch-france.com>	April 17, 2023	No active webpage
<toryburchfrance.com>	March 30, 2023	No active webpage
<toryburch-greece.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchgreece.com>	March 30, 2023	No active webpage
<toryburch-hrvatska.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchhrvatska.com>	March 30, 2023	No active webpage

<toryburch-hungary.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchhungary.com>	March 30, 2023	No active webpage
<toryburch-ireland.com>	April 7, 2023	Fraud alert is displayed when attempting to access the website.
<toryburchireland.com>	March 29, 2023	Fraud alert is displayed when attempting to access the website.
<toryburch-israel.com>	April 7, 2023	No active webpage
<toryburchisrael.com>	March 29, 2023	No active webpage
<toryburch-italia.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchitalia.com>	March 30, 2023	No active webpage
<toryburchjapan.com>	March 29, 2023	No active webpage
<toryburch-ksa.com>	April 7, 2023	No active webpage
<toryburchksa.com>	March 29, 2023	No active webpage
<toryburchmalaysia.com>	March 29, 2023	No active webpage
<toryburch-mexico.com>	April 13, 2023	Fraud alert is displayed when attempting to access the website.
<toryburchmexico.com>	March 30, 2023	No active webpage
<toryburchmexicomx.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburch-nederland.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchnederland.com>	March 30, 2023	No active webpage
<toryburch-norge.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchnorge.com>	March 29, 2023	No active webpage
<toryburchnorway.com>	April 17, 2023	No active webpage
<toryburchnz.com>	March 29, 2023	No active webpage
<toryburchnzstore.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchosterreich.com>	March 30, 2023	No active webpage
<toryburchoutletcanada.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchoutletdubai.com>	April 7, 2023	No active webpage
<toryburchoutletgreece.com>	April 15, 2023	No active webpage
<toryburchoutletitalia.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchoutletjapan.com>	April 17, 2023	No active webpage
<toryburchoutletsonline.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchoutletsuk.com>	April 13, 2023	Fraud alert is displayed when attempting to access the website.
<toryburchoutletswebsite.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchoutletturkiye.com>	April 17, 2023	No active webpage
<toryburchoutletuk.com>	March 29, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchoutletusa.com>	April 7, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchoutletwebsite.com>	March 29, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchparis.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchperu.com>	March 31, 2023	No active webpage
<toryburch-polska.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.

<toryburchpolska.com>	March 29, 2023	No active webpage
<toryburch-portugal.com>	April 13, 2023	No active webpage
<toryburchportugal.com>	March 30, 2023	Fraud alert is displayed when attempting to access the website.
<toryburchportugallisboa.com>	April 15, 2023	No active webpage
<toryburchpuertorico.com>	April 7, 2023	No active webpage
<toryburchrea.com>	April 15, 2023	No active webpage
<toryburchromania.com>	March 30, 2023	No active webpage
<toryburchsaleireland.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<tory-burch-schweiz.com>	April 17, 2023	No active webpage
<toryburch-schweiz.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchschweiz.com>	March 30, 2023	No active webpage
<toryburchslovenija.com>	March 30, 2023	No active webpage
<toryburchslovensko.com>	March 30, 2023	No active webpage
<toryburch-southafrica.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchsouthafrica.com>	March 29, 2023	No active webpage
<toryburch-suomi.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchsuomi.com>	March 29, 2023	No active webpage
<toryburchtasoutlet.com>	April 15, 2023	No active webpage
<toryburch-thailand.com>	April 7, 2023	No active webpage
<toryburch-turkiye.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchturkiye.com>	March 30, 2023	No active webpage
<toryburchuae.com>	March 29, 2023	No active webpage
<toryburchuaeonline.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchuaesale.com>	April 13, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchuk.com>	March 29, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchukwebsite.com>	April 7, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchuruguay.com>	March 31, 2023	No active webpage
<toryburchusa.com>	March 29, 2023	Redirects Internet users to <toryburchusashop.com>.
<btoryburchusashop.com>	May 26, 2023	Online shop reproducing the Complainant's mark and products.
<btoryburchusawebsite.com>	April 7, 2023	Online shop reproducing the Complainant's mark and products.
<toryburchvenezuela.com>	March 31, 2023	No active webpage

At the time of the filing of the Complaint all of the disputed domain names were used in connection with online shops depicting the Complainants' trademarks and what appear to be discounted or counterfeit products (only the disputed domain names <toryburchoutletusa.com> and <toryburchusa.com> redirected Internet users, respectively to <toryburchfactoryoutlet.com> and <toryburchusashop.com>).

5. Parties' Contentions

A. Complainants

The Complainants further contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainants assert that as a result of Ms. Burch's worldwide renown as a designer and the widespread use of the TORY BURCH trademark, the TORY BURCH trademark has become one of the most recognizable marks in the fashion industry and presently enjoys tremendous reputation and goodwill which are being harmed by the disputed domain names.

The Complainants contend that the disputed domain names are subject to common control and the consolidation of multiple Respondents would be fair and equitable to all parties given that: (i) all of the disputed domain names share the same naming pattern; (ii) 104 of the 106 disputed domain names were used in connection with similar online shops which prominently and without the Complainants' authorization reproduced the Complainants' trademarks; (iii) all of the disputed domain names were registered between March 29, 2023 and May 26, 2023; and (iv) 104 of the 106 disputed domain names were registered through the same Registrar.

According to the Complainants, all of the disputed domain names incorporate the Complainants' well-known TORY BURCH trademark in its entirety; the addition of geographic and or descriptive terms does not prevent a finding of confusing similarity thereof.

As to the absence of rights or legitimate interests, the Complainants argue that they have not licensed or authorized use of the TORY BURCH trademark and logo by any of the Respondents as well as on the websites that corresponded to the disputed domain names.

In what it relates to the bad faith registration and use of the disputed domain names, the Complainants assert that the Respondents' knowledge of the Complainants' well-known trademark is evident given the reproduction of the Complainants' logo and products in the online shops that were available at the disputed domain names without authorization, making it only possible to conclude that the Respondents knew about the Complainants' trademark and reputation, and used them to their advantage in bad faith. In addition to that, the Complainants assert that the named Respondent "Client Care Web Commerce Limited" who is the named registrant for the majority of the disputed domain names, has a history of registering well-known trademarks in bad faith (for instance; *Skechers USA v. Client Care Web Commerce Limited*, WIPO Case No. [D2023-2178](#); *Peter Millar et al., v. Client Care Web Commerce Limited*, WIPO Case No. [D2023-2112](#); *Dansko v. Web Commerce Limited*, WIPO Case No. [D2023-2064](#); *No Ordinary Designer Label v. Web Commerce Limited*, WIPO Case No. [D2023-1678](#)).

B. Respondents

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

6. Discussion and Findings

6.1 Procedural matter – Consolidation of Multiple Respondents

The Complaint was filed in relation to nominally different domain name registrants. The Complainants allege that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainants request the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainants' request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainants' request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that: (i) the disputed domain names share a similar domain name pattern comprising of reproduction of the Complainants' well-known trademark and the addition of geographic and/or descriptive terms; (ii) the disputed domain names were used in connection to online shops featuring some Complainant's copyright-protected official product images and materials, and depicting the Complainants' trademark and logo and what appear to be counterfeit products or redirected Internet users, respectively to <toryburchfactoryoutlet.com> and <toryburchusashop.com>; (iii) the disputed domain names were registered within a few days interval (*i.e.*, March 29, 2023 and May 26, 2023); and (iv) 104 of the 106 disputed domain names were registered through the same registrar.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

6.2 Substantive matter

Paragraph 4(a) of the Policy sets forth the following three requirements which the Complainants must meet in order for the Panel to order the transfer of the disputed domain names:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds the Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms (that consist merely of the Complainants' trademarks and the addition of hyphens and terms such as "argentina", "australia", "outlet", "bag", "sale", "singapore", "bags", "philippines", "barcelona", "belgium", "budapest", "canada", "online", "outlet", "chile", "colombia", "costarica", "cz", "denmark", "denmark", "deutschland", "ecuador", "egypt", "espana", "factory", "uk", "finland", "france", "greece", "hrvatska", "hungary", "ireland", "israel", "italia", "japan", "ksa", "malaysia", "mexico", "mx", "nederland", "nederland", "norge", "norway", "nz", "store", "osterreich", "dubai", "outlets", "website", "turkiye", "usa", "paris", "peru", "polska", "portugal", "lisboa", "puertorico", "rea", "romania", "sale", "ireland", "schweiz", "slovenija", "slovensko", "southafrica", "suomi", "as", "thailand", "uae", "uruguay", "shop" and "venezuela") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Paragraph 4(c) of the Policy provides a nonexclusive list of circumstances that may indicate the Respondent's rights to or legitimate interests in the disputed domain names. These circumstances are:

- (i) before any notice of the dispute, the Respondents' use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a *bona fide* offering of goods or services; or
- (ii) the Respondents (as individuals, businesses, or other organizations) have been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- (iii) the Respondents are making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondents, in not formally responding to the Complaint, have failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainants to make a *prima facie* case against the Respondents.

In that sense, the Panel notes that the Complainants have made out a *prima facie* case that the Respondents lack rights or legitimate interests in the disputed domain names, indeed stating that the Complainants have not licensed or authorized use of the TORY BURCH trademark and logo by any of the Respondents as well as on the websites that corresponded to the disputed domain names. Also, the lack of evidence as to whether the Respondents are commonly known by the disputed domain names or the absence of any trademarks registered by the Respondents corresponding to the disputed domain names, corroborates the indication of an absence of rights or legitimate interests in the disputed domain names.

The use made of the disputed domain names cannot be characterized as a *bona fide* offering of goods or services, given that the Respondents' websites prominently featured the Complainants' well-known trademark in connection with the products offered by the Complainants without any explanation of the lack of relationship between the Respondents and the Complainants, which increases the likelihood of confusion amongst Internet users who might think that the disputed domain names are owned, related, or otherwise endorsed by the Complainants, which is not true.

Therefore, the Panel finds that the Respondents lack rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

C. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of a disputed domain name, where a respondent has intentionally attempted to attract, for commercial gain, Internet users to the website or other online location, by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, the use of the disputed domain names in connection with websites that reproduced the Complainants' trademarks, logo, and products, characterizes the Respondents' intent of commercial gain by profiting from the Complainants' famous trademark.

Other indications of the Respondents' bad faith lie in (i) the indication of what appear to be false addresses, not being the Center able to fully deliver the written notice; (ii) as well as the indication of what appears to be identity theft in relation to one of the disputed domain names, as seen above; and (iii) the pattern of the Respondent targeting the Complainants' trademarks (noting the above-referenced previous UDRP disputes between the Parties, as well as the registration of 106 confusingly similar disputed domain names in the present dispute).

Considering the totality of the circumstances in case, the Panel finds the current inactive use of part of the disputed domain names does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

For the reasons above, the Panel finds that the Respondents have registered and used the disputed domain names in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 names, <toryburch-argentina.com>, <toryburchargentina.com>, <toryburchaustralia.com>, <toryburchaustraliaoutlet.com>, <toryburchbagsale.com>, <toryburchbagsingapore.com>, <toryburchbagsphilippines.com>, <toryburchbarcelona.com>, <toryburch-belgium.com>, <toryburchbelgium.com>, <toryburchbudapest.com>, <toryburchcanada.com>, <toryburchcanadaonline.com>, <toryburchcanadaoutlet.com>, <toryburch-chile.com>, <toryburchcolombia.com>, <toryburchcostarica.com>, <toryburchcz.com>, <toryburchdanmark.com>, <toryburch-denmark.com>, <toryburchdenmark.com>, <toryburch-deutschland.com>, <toryburchdeutschland.com>, <toryburchdeutschlandonline.com>, <toryburchecuador.com>, <toryburchegypt.com>, <toryburch-espana.com>, <toryburchespana.com>, <toryburchfactoryoutlet.com>, <toryburchfactoryoutletuk.com>, <toryburchfinland.com>, <toryburch-france.com>, <toryburchfrance.com>, <toryburch-greece.com>, <toryburchgreece.com>, <toryburch-hrvatska.com>, <toryburchhrvatska.com>, <toryburch-hungary.com>, <toryburchhungary.com>, <toryburch-ireland.com>, <toryburchireland.com>, <toryburch-israel.com>, <toryburchisrael.com>, <toryburch-italia.com>, <toryburchitalia.com>, <toryburchjapan.com>, <toryburch-ksa.com>, <toryburchksa.com>, <toryburchmalaysia.com>, <toryburch-mexico.com>, <toryburchmexico.com>, <toryburchmexicomx.com>, <toryburch-nederland.com>, <toryburchnederland.com>, <toryburch-norge.com>, <toryburchnorge.com>, <toryburchnorway.com>, <toryburchnz.com>, <toryburchnzstore.com>, <toryburchosterreich.com>, <toryburchoutletcanada.com>, <toryburchoutletdubai.com>, <toryburchoutletgreece.com>, <toryburchoutletitalia.com>, <toryburchoutletjapan.com>, <toryburchoutletsonline.com>, <toryburchoutletsuk.com>, <toryburchoutletswebsite.com>, <toryburchoutletturkiye.com>, <toryburchoutletuk.com>, <toryburchoutletusa.com>, <toryburchoutletwebsite.com>, <toryburchparis.com>, <toryburchperu.com>, <toryburch-polska.com>, <toryburchpolska.com>, <toryburch-portugal.com>, <toryburchportugal.com>, <toryburchportugallisboa.com>, <toryburchpuertorico.com>, <toryburchrea.com>, <toryburchromania.com>, <toryburchsaleireland.com>, <toryburch-schweiz.com>, <toryburch-schweiz.com>, <toryburchschweiz.com>, <toryburchslovenija.com>, <toryburchslovensko.com>, <toryburch-southafrica.com>, <toryburchsouthafrica.com>, <toryburch-suomi.com>, <toryburchsuomi.com>, <toryburchtasoutlet.com>, <toryburch-thailand.com>, <toryburch-turkiye.com>, <toryburchturkiye.com>, <toryburchuae.com>, <toryburchuaeonline.com>, <toryburchuaesale.com>, <toryburchuk.com>, <toryburchukwebsite.com>, <toryburchuruguay.com>, <toryburchusa.com>, <toryburchusashop.com>, <toryburchusawebsite.com> and <toryburchvenezuela.com> be transferred to the First Complainant.

Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: November 3, 2023