

## **ADMINISTRATIVE PANEL DECISION**

Milia, Milia Matcha v. Amelia Matcha, AMELIAMATCHA  
Case No. D2025-0167

### **1. The Parties**

The Complainants are Milia, France, Milia Matcha, France, represented by Bardehle Pagenberg, France.

The Respondent is Amelia Matcha, AMELIAMATCHA, Belgium.

### **2. The Domain Name and Registrar**

The disputed domain name <ameliamatcha.com> is registered with Tucows Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2025. On January 16, 2025, 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 (privacy service) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 January 17, 2025.

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 January 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2025. The Response was filed with the Center on January 23, 2025. The Center proceeded to panel appointment on February 13, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on February 17, 2025. 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 first and second named Complainants are companies incorporated in France. The second named Complainant is a wholly-owned subsidiary of the first named Complainant. The first named Complainant is holder of the trademark registrations relevant to this proceeding, which are licensed to the second named Complainant for exploitation. The first and second named Complainants are referred to together as the Complainant in the remainder of this Decision.

The Complainant is a retailer of matcha products under the name and trademark MILIA MATCHA. Based on publicly available information, matcha is a finely-ground powder of green tea, originally of Japanese origin.<sup>1</sup>

The Complainant is the owner of trademark registrations including the following:

- France trademark registration number 4951700 for the word mark MILIA MATCHA, registered on July 21, 2023 in numerous International Classes; and

- International trademark registration number 1833241 for a figurative mark MILIA MATCHA, in which the term "Milia" is depicted in a bold cursive script, registered on November 12, 2024 in numerous international classes (the "Figurative Mark").

The Panel notes that the Complainant filed an application for a France trademark comprising the Figurative Mark on November 17, 2023, registered on March 8, 2024.

The Complainant is the owner of the domain name <miliamatcha.com> and operates a website at "www.miliamatcha.com".

The disputed domain name was registered on August 11, 2024.

The disputed domain name has resolved to a website at "www.ameliamatcha.com" offering matcha products for sale online. The website includes product images and other materials similar to those contained on the Complainant's website, and makes extensive use of a device "Amelia" that is highly similar to the Figurative Mark.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant submits that the MILIA MATCHA brand was originally launched in 2023 by a social media influencer named Andie Ella, and has gained a substantial commercial reputation. It claims sales of EUR 3 million and more than 1.8 million unique visitors to its website in its first year, and to date, over 50,000 sales orders from over 70 countries.

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<sup>1</sup>As discussed in paragraph 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

The Complainant contends that the disputed domain name is confusingly similar to its MILIA MATCHA trademark. It submits, in particular, that the disputed domain name differs from its trademark only by the addition of an initial letter “a” and the substitution of the letter “e” for the first letter “i” in the trademark.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has not licensed or authorized the Respondent to use its MILIA MATCHA trademark, and that the Respondent has not commonly been known by that name. The Complainant submits that the Respondent cannot have rights or legitimate interests in respect of the disputed domain name in circumstances where it has used it blatantly to copy the Complainant's website content and to mislead Internet users. The Complainant provides the following examples:

- the visual arrangement and menu categories of the Respondent's website, which mirror those elements of the Complainant's website;
- the use of the “Amelia” device, which is similar to the Figurative Mark;
- the replication of the Complainant's white and pink colour scheme;
- the copying of text from the Complainant's website, either directly or by way of a “rehash” or translation; and
- the presentation of products whose size, shape, packaging and other features closely resemble those offered by the Complainant.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. Based on the Respondent's choice of the disputed domain name and its obvious copying of the Complainant's website contents, the Complainant contends that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent states that it operates exclusively in the United States of America (“United States”), and that in those circumstances there can be no conflict with the Complainant's primarily French brand.

The Respondent submits that its “Ameila Matcha” branding was derived from “personal inspiration” and was not intended to imitate or compete with the Complainant's brand.

The Respondent states that its website was designed by a third-party agency. It contends that, following receipt of the Complaint, it has taken immediate steps to modify its branding and website to avoid any resemblance to the Complainant's brand.

The Respondent submits that it has operated in good faith throughout, and has never sought to confuse or mislead customers.

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain name is identical or confusingly similar to a 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 Complainant has established that it is the owner of registered trademark rights for the mark MILIA MATCHA. The disputed domain name is almost identical to that trademark, but for the addition of the letter “a” at the beginning of the disputed domain name and the substitution of the letter “e” for the first letter “i” in the trademark. Neither of these differences prevents the Complainant’s trademark from being recognizable within the disputed domain name, noting also that an aural or phonetic comparison may support a finding of confusing similarity (see section 1.7 of [WIPO Overview 3.0](#)).

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

#### **B. Rights or Legitimate Interests**

The Respondent contends that it has rights or legitimate interests in the disputed domain name by virtue of having derived it from “personal inspiration”, and using it only for sales in the United States.

The Panel finds the Respondent’s submissions to be entirely without credibility. It provides no cogent explanation for its choice of the disputed domain name, which clearly calls to mind the Complainant’s established MILIA MATCHA trademark, which has gained significant reputation and goodwill in connection with the Complainant’s products. Further, the Respondent’s website plainly imitates the Complainant’s website, including by use of the “Amelia” device which is similar to the Figurative Mark (which the Panel finds to have been used by the Complainant prior to the Respondent’s registration of the disputed domain name), similar product branding and the reproduction of additional website content. The Respondent’s submissions that the website was designed by a third-party agency, and that it has taken steps to alter its branding, do not detract from the obvious inference that the disputed domain name was registered, and has been used, in order to target the Complainant’s trademark and business goodwill, which actions cannot give rise to rights or legitimate interests on the part of the Respondent.

The Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

#### **C. Registered and Used in Bad Faith**

For the same reasons as those set out in respect of the second element, above, the Panel can have no significant doubt that the Respondent both registered and has used the disputed domain name with the intention of impersonating the Complainant and taking unfair advantage of the goodwill attaching to its MILIA MATCHA trademark and established business goodwill. The Panel finds, in particular that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

## 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 <ameliamatcha.com> be transferred to the Complainant Milia.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: March 3, 2025