

## **ADMINISTRATIVE PANEL DECISION**

Pomegranate, LLC v. Vicki Garcia

Case No. D2025-3971

### **1. The Parties**

Complainant is Pomegranate, LLC, United States of America (“United States”), represented by Stites & Harbison PLLC, United States.

Respondent is Vicki Garcia, United States.

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

The disputed domain name <pomegranatelinens.com> is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 29, 2025. On September 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 2, 2025, 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 (Redacted for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on October 2, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 2, 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 October 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2025. Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 31, 2025. The Center appointed Lorelei Ritchie as the sole panelist in this matter on November 13, 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**

Complainant is a company based in the United States. For a number of years prior to the registration of the disputed domain name, Complainant has offered various lifestyle products under the mark POMEGRANATE. Complainant is the owner of United States Trademark Registration No. 4,584,450 (registered on August 12, 2014) for the term “pomegranate” in connection with clothing items and home goods, including linens. Complainant also owns a registration for a composite design mark, United States Trademark Registration No. 7,919,033 (registered on August 26, 2025). The latter was filed on December 14, 2024, and claims use in commerce since December 31, 2022. Complainant’s registrations have filing dates that predate the registration of the disputed domain name.

The disputed domain name was registered on February 24, 2025. Respondent has used the URL associated with the disputed domain name to redirect users to a website that appears to masquerade as an official website of Complainant, including use of Complainant’s POMEGRANATE word mark and composite design marks. Respondent has no affiliation with Complainant, nor any license to use Complainant’s marks.

#### **5. Parties’ Contentions**

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

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant’s trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns rights to the POMEGRANATE mark which it uses to market its “well-known home and lifestyle brand,” including via Complainant’s own website via the domain name <pomegranateinc.com> (registered on February 20, 2002).

Complainant contends that Respondent has incorporated full Complainant’s POMEGRANATE mark into the disputed domain name, with only the addition of the term “linens,” which refers to one of the home goods sold by Complainant under its POMEGRANATE word and composite design marks. Complainant asserts that Respondent lacks rights or legitimate interest in the disputed domain name and rather has registered and is using it in a “nefarious” bad faith manner to mimic the official website of Complainant, presumably for Respondent’s own commercial gain.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

#### **6. Discussion and Findings**

##### **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. Complainant has shown rights in respect of a trademark or service mark, POMEGRANATE, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Although the addition of other terms (here, the term “linens”) may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and Complainant’s mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

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

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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. Complainant has provided evidence that the disputed domain name is being used to redirect users to an unauthorized website that mimics an official website of Complainant. Panels have held that the use of a domain name for illegal activity, including fraudulent use, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that Complainant has provided sufficient evidence of Respondent’s lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy which Respondent has not rebutted.

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

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, the record includes evidence that the URL associated with the disputed domain name has been used to redirect users to an unauthorized website that mimics the official website of Complainant, and which makes use of Complainant’s POMEGRANATE word mark and composite design marks. Hence, Respondent is trading on the goodwill of Complainant’s trademarks to attract Internet users, presumably for Respondent’s own commercial gain.

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of 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 <pomegranatelinens.com> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: November 24, 2025