

## **ADMINISTRATIVE PANEL DECISION**

**ABG Juicy Couture, LLC v. Client Care, Web Commerce Communications Limited**

**Case No. D2022-1096**

### **1. The Parties**

The Complainant is ABG Juicy Couture, LLC, United States of America (“U.S.”), represented by Authentic Brands Group, U.S.

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

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

The disputed domain names <juicycoutureaustralia.com>; <juicycoutureblackfriday.com>; <juicycouturecanada.com>; <juicycouturechile.com>; <juicycouturecolombia.com>; <juicycouturedanmark.com>; <juicycouturefactoryoutlet.com>; <juicycouturefrance.com>; <juicycouturegreece.com>; <juicycoutureireland.com>; <juicycoutureitalia.com>; <juicycouturemalaysia.com>; <juicycouturemexico.com>; <juicycouturenederland.com>; <juicycouturenorge.com>; <juicycouturenz.com>; <juicycouturephilippines.com>; <juicycouturepolska.com>; <juicycoutureportugal.com>; <juicycoutureromania.com>; <juicycoutureschweiz.com>; <juicycouturesingapore.com>; <juicycouturesouthafrica.com>; <juicycouturesuomi.com>; <juicycouturesverige.com>; <juicycoutureuksaleshop.com> (the “Domain Names”) are registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 30, 2022. On April 1, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 2, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 8, 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 amendment to the Complaint also on April 8, 2022.

The Center verified that the Complaint together with the amendment to the 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 April 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2022. On April 13, 2022, a clarification was made by the Complainant as to one of the Domain Names in the Complaint. Accordingly, on April 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name <juicycouturefactoryoutlet.com>. On April 20, 2022, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for this Domain Name. The Complainant filed an amended Complaint on April 20, 2022. The Center re-notified the case including the Domain Name <juicycouturefactoryoutlet.com>, and the Response due date was set on May 11, 2022. The Respondent did not submit any response. Therefore, the Center notified the Respondent’s default on May 17, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on May 19, 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 the owner of the JUICY and JUICY COUTURE brands. Juicy Couture was founded in 1994 as an upscale T-shirt line. It expanded into other clothing garments. Today it has an annual revenue of approximately USD 19.5 million. The Complainant’s goods and services are offered in approximately 200 JUICY COUTURE stores and select department stores throughout North America, Europe, Asia, Latin America and the Middle East, as well on its website “www.juicycouture.com”.

The Complainant has a global portfolio of more than 800 trademarks covering a wide variety of goods and services for the JUICY family of marks, including JUICY, JUICY COUTURE, JC MISS JUICY, VIVA LA JUICY, JUICY GIRL, JUICY SPORT, CHOOSE JUICY and other JUICY related marks, for example U.S. Registration JUICY COUTURE No. 2348674, registered on May 9, 2000 for goods in class 25.

The Domain Names were registered on March 3, 2022. At the time of the filing of the Complaint and the time of the Decision, the Domain Names resolved to websites that appear to sell counterfeits of the Complainant’s goods. These websites were very similar to Complainant’s own website at “www.juicycouture.com”.

#### **5. Parties’ Contentions**

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

The Complainant argued in the initial Complaint that the Domain Names must be under common ownership or control as they were registered on the same day with the same Registrar, and the Whois records of the Domain Names all pointed to the same ownership. Following the Registrar verification with the name of the sole Registrant behind the privacy shield, this is now irrelevant.

The Complainant provides evidence of trademark registrations, and argues that all the Domain Names consist of the Complainant’s brand JUICY COUTURE, followed by geographic indicators and/or descriptive words. The inclusion of geographic indicators and/or descriptive terms only enhances the likelihood of confusion between the Domain Names and the Complainant’s trademark.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the Domain Names, as it has not made any use of, or demonstrable preparations to use, the Domain Names in connection with a *bona fide* offering of goods or services. On the contrary, the Complainant submits that the Respondent has used the Domain Names for websites to sell counterfeit goods.

The Complainant argues that the Respondent has been aware of the Complainant and its trademarks when the Respondent registered the Domain Names. The use (setting up websites to sell counterfeit goods) is itself evidence of bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has established that it has rights in the trademark JUICY COUTURE. The test for confusing similarity involves a comparison between the trademark and the Domain Names. The Domain Names incorporate the Complainant's trademark, with the addition of geographic indicators and/or descriptive words. The additions do not prevent a finding of confusing similarity between the Domain Names and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains ("gTLDs"), see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Names are confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Names containing the Complainant's trademark or otherwise make use of the Complainant's mark. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Names in connection with a *bona fide* offering. The Respondent's use of the Domain Names is clearly not *bona fide*, but rather evidence of bad faith.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names in accordance with paragraph 4(a)(ii) of the Policy.

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

The Panel finds it evident from the use of the Domain Names that the Respondent must have been aware of the Complainant and its trademarks when the Respondent registered the Domain Names. The Respondent's uses the Complainant's trademark to attract Internet users for commercial gain. It appears that the Respondent has used the Domain Names to set up websites to sell counterfeit goods.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning 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 Domain Names <juicycoutureaustralia.com>; <juicycoutureblackfriday.com>; <juicycouturecanada.com>; <juicycouturechile.com>; <juicycouturecolombia.com>; <juicycouturedanmark.com>; <juicycouturefactoryoutlet.com>; <juicycouturefrance.com>; <juicycouturegreece.com>; <juicycoutureireland.com>; <juicycoutureitalia.com>; <juicycouturemalaysia.com>; <juicycouturemexico.com>; <juicycouturenederland.com>; <juicycouturenorge.com>; <juicycouturenz.com>; <juicycouturephilippines.com>; <juicycouturepolska.com>; <juicycoutureportugal.com>; <juicycoutureromania.com>; <juicycoutureschweiz.com>; <juicycouturesingapore.com>; <juicycouturesouthafrica.com>; <juicycouturesuomi.com>; <juicycouturesverige.com> and <juicycoutureuksaleshop.com> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: May 25, 2022