

ADMINISTRATIVE PANEL DECISION

THEGVGALLERY LLC v. Sohaib Ramzan, RTRRR, sohaib ramzan, dmleadz, Muhammad Zaman and My Name
Case No. D2024-4447

1. The Parties

The Complainant is THEGVGALLERY LLC, United States of America, represented by Immix Law Group PC, United States of America ("United States").

The Respondents are Sohaib Ramzan, RTRRR, Pakistan, sohaib ramzan, dmleadz, Pakistan, Muhammad Zaman, Pakistan, and My Name, United States.

2. The Domain Names and Registrars

The disputed domain name <gv-gallery.com> is registered with CloudFlare, Inc.

The disputed domain name <gvgalleryofficial.shop> is registered with NameCheap, Inc.

The disputed domain name <gvgallery.shop> is registered with NameSilo, LLC.

The disputed domain name <thegvgallery.llc> is registered with 1API GmbH (together, the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 30, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 30 and 31, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Umar Shahroz) and contact information in the Complaint.

On the Complainant's request, the proceedings were suspended from November 8, 2024, to December 8, 2024.

The Center sent an email communication to the Complainant on December 9, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed a first amended Complaint

on December 13, 2024, and a second amended Complaint on December 18, 2024. The Respondent Sohaib Ramzan, RTRR, sent an informal communication on December 16, 2024.

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 December 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 7, 2025. The Respondent Sohaib Ramzan, RTRR, sent an email communication to the Center on December 18, 2024, and the Complainant emailed the Center in response thereto on December 19, 2024. The Respondent Sohaib Ramzan, RTRR, sent another email communication to the Center on December 23, 2024. The Respondents did not submit any formal response. Accordingly, the Center notified the Parties of the commencement of Panel appointment process on January 13, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on January 16, 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 Complainant is an international fashion retailer that has traded under the mark THEGVGALLERY since 2018. It currently has some 234,000 Instagram followers and an annual turnover in excess of USD 10 million.

On August 16, 2024, the Complainant applied for a United States trade mark for THEGVGALLERY under serial No. 98703040, in class 35.

The Complainant operates a website at "www.thegvgallery.com".

The disputed domain names were registered on the following dates:

<gvgallery.shop> - August 17, 2024
<thegvgallery.llc> - August 17, 2024
<gvgalleryofficial.shop> - August 30, 2024
<gv-gallery.com> - September 4, 2024

For reasons explained below in section 6 below, the Respondents are collectively referred to hereafter as "the Respondent", unless it is necessary to refer to them separately.

As of the period October 15 - 17, 2024, the disputed domain names <thegvgallery.llc>, <gvgalleryofficial.shop>, and <gv-gallery.com> all resolved to similar websites branded with a "GV" logo and offering items of clothing for sale, some branded with marks used by the Complainant, such as RASPBERRY. All three sites purported to be operated by "GV Gallery", that was described on the website at <gvgalleryofficial.shop> as "a well-known fashion brand". As of October 2024, the disputed domain name <gvgallery.shop> did not resolve to an active website..

The Complainant has received a customer enquiry as to whether the website at "www.thegvgallery.llc" was genuine.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

B. Respondent

The Respondent filed an informal response relating to the disputed domain name <gv-gallery.com>, and headed "Request to Close Case Regarding Domain gv-gallery.com". Notably, the Respondent contends that:

- the disputed domain name <gv-gallery.com> was suspended approximately five months ago, and within one month of its registration, "due to Cloudflare-related issues";
- the Respondent is not selling clothing products through this disputed domain name and has not used it for almost a year;
- the Respondent have "moved away from the address previously associated with this domain"; and
- the Respondent wishes to close the case and does not wish to receive future communications about it.

6. Discussion and Findings

Consolidation: Multiple Respondents

The Panel notes the following.

First, none of the Respondents have contested the Complainant's assertion that the disputed domain names are under common control.

Second, the disputed domain names <thegvgallery.llc>, <gvgalleryofficial.shop> and <gv-gallery.com> all share the same registrant street address, and the fourth disputed domain name <gvgallery.shop> utilizes the same registrant email address as the disputed domain name <thegvgallery.llc>.

Third, the disputed domain names were registered within an 18-days period.

Fourth, three of the four disputed domain names have been used to resolve to similar websites.

Accordingly, the Panel is satisfied that the disputed domain names are subject to common control and that, in the circumstances, consolidation is fair and equitable to all parties, and also procedurally efficient. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.11.

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the Complainant has established unregistered trade mark or service mark rights in the mark THEGVGALLERY for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. In particular the mark is highly distinctive and has been used extensively in commerce as a designation of source, including on social media.

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

The disputed domain name <thegvgallery.llc> is identical to the Complainant's mark. The other disputed domain names are confusingly similar to the mark in that they include the dominant part of the Complainant's mark, namely "gv gallery", albeit omitting the word "the".

Although the addition of other terms (here, "official") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name <gvgalleryofficial.shop> and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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 recognised 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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the disputed domain names <thegvgallery.llc>, <gvgalleryofficial.shop>, and <gv-gallery.com> to impersonate the Complainant and/or to otherwise intentionally attempt to attract, confuse, and profit from Internet users seeking the Complainant's goods and/or services. Such use of the disputed domain names could not be said to be bona fide.

There is no evidence that the disputed domain name <gv-gallery.com> has ever been used for an active website, let alone for a bona fide offering of goods and services.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

For the following reasons, the Panel readily concludes that the Respondent has used the disputed domain names <thegvgallery.llc>, <gvgalleryofficial.shop>, and <gv-gallery.com> to intentionally create a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy:

1. these disputed domain names not only reflect the Complainant's highly-distinctive mark but they deploy terms that were obviously designed to enhance the connection with the Complainant, such as "official" and "LLC";
2. they have been used to resolve to websites similar to the Complainant's website including sale of products bearing the Complainant's brands, such as RASPBERRY, and using text implying that they are operated by the Complainant (see section 4 above); and
3. despite sending multiple emails, the Respondent has not even alluded to these three disputed domain names, let alone denied the Complainant's assertions that they have been used to impersonate the Complainant.

As regards the disputed domain name <gv-gallery.com>, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the Panel considers that the following circumstances are indicative of passive holding of the disputed domain name <gv-gallery.com> in bad faith: the distinctiveness and fame of the Complainant's mark; the failure of the Respondent to provide any evidence of actual or contemplated good faith use; and the fact that the disputed domain name <gv-gallery.com> was obviously registered as part of the same illicit pattern comprised by the other three disputed domain names, discussed above.

The Panel finds that the Complainant has established the third element 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 names <gv-gallery.com>, <gvgalleryofficial.shop>, <gvgallery.shop>, and <thegvgallery.llc> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: January 30, 2025