

ADMINISTRATIVE PANEL DECISION

Serena & Lily, Inc. v. Broca M, frettey
Case No. D2025-0279

1. The Parties

The Complainant is Serena & Lily, Inc., United States of America ("USA"), represented by Regitz Mauck PLLC, USA.

The Respondent is Broca M, frettey, USA.

2. The Domain Name and Registrar

The disputed domain name <serenaandlili.com> is registered with Dominet (HK) Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 23, 2025. On January 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 26, 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 (Dominet (HK) Limited) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 28, 2025, 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 on January 30, 2025.

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 February 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 7, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on March 11, 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 a California-based company that has been selling home furnishings in shops and over the Internet for several decades. In conjunction with its business, the Complainant has registered a number of SERENA & LILY trademarks (USA), among which:

--registration no. 3,241,729, registration date May 15, 2007, USA class 24 for fabrics, linens, and textiles for childrens' rooms, namely, bumpers, sheets, bed skirts, matching cotton fabrics for furniture, pillows, and duvets.

The Complainant conducts its online business at its website at the domain name <serenaandlily.com>.

The Respondent is an individual claiming to be located in the USA. The Respondent registered the disputed domain name on December 31, 2024, and proceeded to set up a website similar to the Complainant's website, and to offer for sale the same types of goods. In conjunction with this proceeding, the Respondent has taken down its website.

5. Parties' Contentions

A. Complainant

The Respondent is a typosquatter/cybersquatter that has registered the disputed domain name which is confusingly similar to the Complainant's SERENA & LILY trademark without the Complainant's authorization.

The disputed domain name is intentionally designed to redirect consumers from the Complainant's website to the Respondent's website at the disputed domain name which is a copy of the Complainant's website and which purports to sell products in competition with the Complainant.

The Respondent's registration constitutes bad faith typosquatting. Internet users searching for the Complainant's website to purchase the Complainant's products are deceptively directed to the Respondent's website which purports to sell competing products.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following in order to obtain a transfer or cancellation of a disputed domain name:

- (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.

Under paragraph 15(a) of the Rules, a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

A. Identical or Confusingly Similar

The Complainant's first task under the Policy is to show that the disputed domain name is identical or confusingly similar to a name in which the Complainant has trademark rights. To this end, the Complainant has exhibited copies of its numerous SERENA & LILY (USA) trademark registrations, one of them for which the Panel has noted the registration details in the Factual Background section above. The Panel finds this is proof that the Complainant has trademark rights in the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1.

The Respondent has altered the Complainant's trademark in the disputed domain name by substituting "&" for "and", and "y" for "i". The Panel finds that the Respondent's minor changes still leave the disputed domain name confusingly similar to the Complainant's trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Owing to the difficulty the Complainant might have in proving a negative, i.e., proving the Respondent does not have rights or legitimate interests in the disputed domain name, the Policy consensus is that the Complainant initially need only make out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. It then is up to the Respondent to come forward with evidence that it does have rights and legitimate interests in the disputed domain name. If the Respondent does not do so, the Complainant's prima facie case prevails. [WIPO Overview 3.0](#), section 2.1.

In the case at hand, the Complainant avers that the Respondent does not have authorization to use the Complainant's trademark in the disputed domain name. This constitutes a prima facie case in the Complainant's favor under the Policy. Being in default, the Respondent has not come forward with evidence that might show that it does have rights or legitimate interests in the disputed domain name as permitted under Policy paragraph 4(c)(i),(ii) and (iii). Nonetheless, the Panel will examine the record to see if there is evidence that the Respondent might have rights or legitimate interests in the disputed domain name as permitted under the Policy.

Under Policy paragraph 4(c)(i), the Respondent may show that, before being notified of this dispute, it was using the disputed domain name to make a bona fide offering of goods or services. However, the Respondent in this case has been using the disputed domain name to copy the Complainant's website and to purport to offer for sale the same goods as the Complainant. By consensus on the Policy, this is a bad faith use of the disputed domain name, about which more below in the third element section of this Decision. [WIPO Overview 3.0](#), section 2.13.1. See also *Richmont International SA v. brandon gill*, WIPO Case No. [D2013-0037](#).

Continuing to Policy paragraph 4(c)(ii), it is nowhere apparent in the record that the Respondent has been commonly known by the disputed domain name. And under Policy paragraph 4(c)(iii), it is likewise not apparent that the Respondent has been using the disputed domain name for a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds, then, that the Complainant has carried its burden of proof to show that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Respondent registered the disputed domain name on December 31, 2024. Within days, the Respondent had copied the Complainant's website and was claiming to the Internet public that it was selling the same goods and services as the Complainant. The Panel finds this proves that, at the time the Respondent registered the disputed domain name, the Respondent was well aware of who the Complainant was, and was also familiar with the Complainant's business and trademark: the Respondent had targeted the Complainant.

The Panel therefore finds that the Respondent has violated the bad faith provisions of the Policy at paragraph 4(b)(iv):

"[b]y using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii).

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 <serenaandlili.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: March 25, 2025