

ADMINISTRATIVE PANEL DECISION

LYMA Life Limited v. Carla Mitchell, Lima
Case No. D2025-0441

1. The Parties

The Complainant is LYMA Life Limited, United Kingdom, represented by CMS Cameron McKenna Nabarro Olswang LLP, United Kingdom (“UK”).

The Respondent is Carla Mitchell, Lima, UK.

2. The Domain Name and Registrar

The disputed domain name <lima-tan.com> (the “Domain Name”) is registered with 123-Reg Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2025. On February 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 5, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Lima Tan Limited) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 7, 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 amended Complaint on February 12, 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 February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on March 20, 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 UK company that has carried on business under the LYMA and LYMA LIFE brands since it was founded in 2017. It has marketed and sold a range of skincare products under the LYMA mark since May 2023. Its business has grown rapidly with net assets increasing from GBP 6.08 million to GBP 9.05 million between 2022 and 2023.

The Complainant is the proprietor of numerous registered trademarks comprising LYMA, including UK trademark number 3256862 stylised wordmark LYMA and device registered on December 15, 2017; International trademark number 6017790 LYMA registered on March 24, 2020; and European Union trademark number 018681389 LYMA registered on August 24, 2022.

The Respondent registered the Domain Name on February 3, 2024. It resolves to a website operated under the name "Lima Tan" purporting to offer for sale a small number of self-tanning skin products under the LIMA brand. The Respondent is a director of Lima Tan Limited which, according to a search of the publicly available UK Companies House database, was incorporated on October 7, 2022, and struck off the register and dissolved on February 11, 2025. On September 17, 2023, Lima Tan Limited applied to register LIMA as a UK trademark. The application was opposed by the Complainant on December 8, 2023, and withdrawn by the applicant on May 26, 2024.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its LYMA trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Based on the available evidence, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Domain Name comprises the Mark with the substitution of the letter “i” for the letter “y” and the addition of a hyphen and the word “tan”. Phonetically, both “lyma” and “lima” may be pronounced in the same way. The Panel finds that the slight difference in spelling and the addition of the hyphen and word “tan” does not prevent a finding of confusing similarity between the Domain Name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the first element required under 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 recognized that proving that 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. Accordingly, 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.

The Respondent has used the Domain Name to promote and offer for sale a small range of skin tanning products using the LIMA brand. The Domain Name was registered and the website established after the Complainant had objected to the application by a company of which the Respondent was a director to register LIMA as a trademark and the application had been withdrawn, presumably in the face of that objection. The Panel notes both Parties operate in the same country, and in the same business field, where the Complainant’s business has grown rapidly. In these circumstances, the Panel considers on balance that the Respondent’s activities on its website do not amount to the bona fide offering of goods or services under the Policy.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. The Respondent has not given any explanation for its choice of domain name. 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 Domain Name such as those enumerated in the Policy or otherwise.

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

C. Registered and Used in Bad Faith

The Domain Name was registered after the Complainant had objected to the application by the Respondent’s company to register LIMA as a trademark. Accordingly, the Panel considers that there is no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The Panel considers on balance that the Respondent has registered and used the Domain Name to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Mark for commercial gain.

It follows that, based on the available evidence and absent any explanation from the Respondent, 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 Domain Name <lima-tan.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: April 1, 2025