

ADMINISTRATIVE PANEL DECISION

Varier Furniture AS v. Dickinson V Lizzie, Lizzie Dickinson V
Case No. D2025-0621

1. The Parties

The Complainant is Varier Furniture AS, Norway, represented by Bull & Co Advokatfirma AS, Norway.

The Respondent is Lizzie Dickinson V, Dickinson V Lizzie, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <varierfurnitureweb.com> is registered with CNOBIN Information Technology Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 17, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 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") and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 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 February 24, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 18, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on March 24, 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 Norwegian company specializing on creating ergonomic and functional furniture. Over the years, the Complainant has been recognized with numerous prestigious design awards.

The Complainant is the owner of several trademarks for VARIER ("VARIER trademark"), including:

- Danish Trademark Registration No. VR 2007 00310, registered on February 7, 2007;
- International Trademark Registration No. 921194, registered on March 2, 2007, inter alia designated for United States, European Union and China, and
- United Kingdom Trademark Registration No. UK00800921194, registered on April 28, 2008.

The Complainant is also the owner of domain names including the VARIER trademark, such as the domain name <varierfurniture.com>, registered on August 29, 2006.

The disputed domain name was registered on December 6, 2024. The Complainant has provided evidence showing that the disputed domain name resolved to an active website which prominently displayed the VARIER trademark as well as product images and content from the website accessible under the domain name <varierfurniture.com> ("Complainant's website"), including furniture products offered at heavily discounted prices. At the time of the decision, the disputed domain name resolves to an error webpage.

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 name.

On the first element of the Policy, the Complainant claims that the disputed domain name is identical or confusingly similar to the VARIER trademark. The disputed domain name incorporates the VARIER trademark. Furthermore, the disputed domain name is highly likely to cause confusion with the Complainant's website. The term "web" is highly descriptive and will almost certainly go unnoticed by consumers, thereby increasing the potential for deception and mistaken identity. The website associated with the disputed domain name is a counterfeit site, almost indistinguishable from the Complainant's website. It deceitfully represents itself as Varier Furniture AS, claiming to be located in Oslo, and unlawfully uses the Complainant's images of the furniture and the Complainant's other registered trademarks. Additionally, it has replicated the Complainant's entire web design, reinforcing its fraudulent nature.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant is the rightful owner of the VARIER trademark. The Respondent's unauthorized use of the VARIER trademark is a blatant infringement. The Respondent's website is a clear and deliberate copy of the Complainant's website. The primary intention behind this counterfeit website is unmistakably to deceive customers into believing they are purchasing genuine Varier Furniture products. This deceptive behavior seriously infringes upon the Complainant's intellectual property rights and poses a substantial threat to the brand's reputation and customer trust. Moreover, the Complainant conducted an investigation by utilizing a "ghost buyer" to evaluate the extent of the infringement by attempting to purchase a purportedly counterfeit product sold through the website associated with the disputed domain name. Despite the payment being processed, no

order confirmation was received. To date, over two months since the order was placed, the counterfeit product has not been delivered. This clearly illustrates the Respondent's intent not only to deceive consumers but also to tarnish the VARIER trademark and damage the Complainant's reputation.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. The contents on the website associated with the disputed domain name, is a counterfeit site, almost indistinguishable from the Complainant's website. It deceitfully represents itself as Varier Furniture AS, claiming to be located in Oslo, and unlawfully uses the Complainant's images of the Complainant's well-known and reputable furniture. The Respondent has replicated the Complainant's entire web design, reinforcing its fraudulent nature. By utilizing a "ghost buyer", the Complainant initiated an order from the fraudulent website linked to the disputed domain name to thoroughly examine the counterfeit product. Notably, the ghost buyer did not receive any order confirmation, and now, more than two months post-purchase, the item has yet to be delivered. Nevertheless, the payment was promptly processed on the same day of the order. Despite multiple attempts, the "ghost buyer" has been unable to establish contact with the seller associated with the disputed domain name. These facts strongly indicate that the disputed domain name was employed to deceitfully extract money from individuals under the guise of being the Complainant. Shortly after the Complainant discovered the disputed domain name and its contents, the Registrar behind the disputed domain name was contacted and informed that the disputed domain name was using the VARIER trademark without authorization and replicating the Complainant's website content. The Registrar responded promptly on December 23, 2024, and took immediate action by suspending the disputed domain name. For the transfer of the disputed domain name, the Complainant was referred to the UDRP complaint.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "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".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed 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 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 3.0](#), section 1.7.

While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements. [WIPO Overview 3.0](#), section 1.8.

The applicable TLD in a domain name (e.g., “.com”, “.club”, “.nyc”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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 entirety of the VARIER trademark is reproduced within the disputed domain name and the Panel finds the mark is recognizable within the disputed domain name. The disputed domain name differs from the VARIER trademark by the addition of the terms “furniture” and “web”.

Although the addition of the terms “furniture” and “web” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name 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 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.

Panels have held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the VARIER trademark. Further, the Respondent has not attempted to justify why the disputed domain name was registered. The Panel finds on the record that there are no indications that the Respondent is commonly known by the disputed domain name or otherwise has any rights to or legitimate interests in the disputed domain name. Further, there are no evident preparations for the use of the disputed domain name for a bona fide offering of goods or services. Rather, the Complainant has shown evidence that the disputed domain name resolved to an active website which prominently displayed the

VARIER trademark as well as product images and content from the Complainant's website, including furniture products offered at heavily discounted prices.

Having reviewed the record, the Panel finds that the Respondent registered the disputed domain name and used it to impersonate the Complainant, and it is likely that the Respondent is selling counterfeit goods.

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 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 disputed domain name such as those enumerated in the Policy or otherwise.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Further, Panels have held that the use of a domain name for illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel notes that the VARIER trademark was registered before the disputed domain name. Considering the public presence of the Complainant, it is unlikely that the Respondent had no knowledge of the VARIER trademark. The incorporation of the VARIER trademark within the disputed domain name, with the only addition of the terms "furniture" – as a reference to the goods distributed by the Complainant – and "web", and the fact that the disputed domain name resolved to a website prominently displaying the VARIER trademark as well as product images and content from the Complainant's website, including furniture products offered at heavily discounted prices, demonstrates the Respondent's actual awareness of and intent to target the Complainant. In light of the lack of any rights to or legitimate interests in the disputed domain name by the Respondent and in the absence of any conceivable good faith use, the Panel finds from the present circumstances that the Respondent has intentionally attempted to attract Internet users to its website by creating a likelihood of confusion with the Complainant's trademark.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 name <varierfurnitureweb.com> be transferred to the Complainant

/Christian Gassauer-Fleissner/
Christian Gassauer-Fleissner

Sole Panelist

Date: April 7, 2025