

ADMINISTRATIVE PANEL DECISION

A&S Holdings (AUS) Pty Ltd v. Bar Schwarz
Case No. D2025-0718

1. The Parties

The Complainant is A&S Holdings (AUS) Pty Ltd, Australia, represented by Corrs Chambers Westgarth, Australia.

The Respondent is Bar Schwarz, Germany.

2. The Domain Name and Registrar

The disputed domain name <iamgjauk.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 22, 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 24, 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 28, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 21, 2025.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on March 26, 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 and its related entities (together referred to as the “A&S Group”) operate a women’s fashion business under the name I AM GIA. It was founded in 2017.

The Complainant is the owner of several national and international trademark registrations, which it licenses to other members of the A&S Group. Details of the relevant trademark registrations are as follows:

- Australian trademark I AM GIA No. 1876551, registered on September 28, 2017, covering goods and services in Classes 9, 18, 25, 35, and 42;
- Australian trademark I.AM.GIA (stylized) No. 1829873, registered on March 8, 2017, covering goods and services in Classes 25, 35, and 42;
- United Kingdom trademark I. AM. GIA + logo No. UK00801364010, registered on July 10, 2020, covering services in Class 35; and
- International trademark I. AM. GIA + logo No. 1364010, registered on June 27, 2017, covering goods and services in Classes 25, 35, and 42 and designating China, European Union, Israel, Japan, Republic of Korea, Singapore, and United States of America.

In addition to its trademark rights, the Complainant also owns the domain name <iamgia.com>.

The Complainant also maintains its presence on social media platforms, including:

- A Facebook page with approximately 6,900 followers and 6,400 likes;
- An Instagram account with approximately 1.4 million followers; and
- A TikTok account with approximately 293,800 followers.

The disputed domain name was registered by the Respondent on December 19, 2024. At the time of filing of this Complaint, the disputed domain name resolves to an error page showing a message “Sorry, you have been blocked”.

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.

Notably, the Complainant asserts that the disputed domain name is confusingly similar to its trademarks, as it incorporates the mark I AM GIA, with the geographic term “uk”, the mark being clearly recognizable within the disputed domain name.

The Complainant further contends that the Respondent lacks any rights or legitimate interests in the domain name and that its use does not constitute legitimate noncommercial or fair use. Given the distinctiveness of the I AM GIA trademark — which has no descriptive meaning and is unlikely to be used in good faith by unrelated parties — any good faith use of the disputed domain name is implausible.

The circumstances suggest that the Respondent was aware of the Complainant's rights and registered the disputed domain name with the intent to exploit its reputation. Accordingly, the Complainant maintains that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles that the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable".

The Policy provides, at paragraph 4(a), that each of three elements must be made in order for a complaint to prevail:

- 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term, here "uk" (the abbreviation of "United Kingdom"), 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 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.

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.

Furthermore, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name as it does not own any rights or legitimate interests to the I AM GIA trademarks, and the Complainant has never authorized or permitted the Respondent to use the I AM GIA trademarks or register any domain name consisting of the I AM GIA trademark.

The composition of the disputed domain name containing the geographical term "uk" (which can be seen as a reference to the "United Kingdom") can mislead Internet users into believing that the website is operated by, or associated with, the Complainant by indicating a possible geographic focus of its commercial activity. This is particularly relevant in the present case, given that the Complainant is the registered owner of a United Kingdom trademark I. AM. GIA + logo No. UK00801364010. The addition of the geographical term thus increases the likelihood that Internet users would perceive the disputed domain name as an official or affiliated UK-based outlet of the Complainant.

The disputed domain name is currently inactive and does not resolve to any accessible website. As such, there is no evidence that the Respondent has made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Nor is there any indication of a legitimate noncommercial or fair use of the disputed domain name, without intent to misleadingly divert consumers for commercial gain or to tarnish the Complainant's trademark.

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.

In the present case, based on the composition of the domain name, the Panel finds it likely that the Respondent was aware of the Complainant's trademark rights at the time of registration.

The disputed domain name entirely reproduces the Complainant's trademark I AM GIA, with the mere addition of the geographical term "uk". This addition, in the Panel's view, affirms the Respondent's intention to mislead Internet users into believing that the website is affiliated or associated with the Complainant, especially considering that the Complainant owns trademark rights in the United Kingdom. The composition of the disputed domain name thus appears deliberately designed to evoke the Complainant and its brand.

In light of these elements, the Panel considers it implausible that the Respondent was unaware of the Complainant's rights at the time of registration.

Regarding the use in bad faith, Panel has 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 available record, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Additionally, the Respondent did not respond to the Complainant's Complaint and has therefore put forward no evidence of any contemplated good faith use.

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 <iamgiauk.com> be transferred to the Complainant.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: April 2, 2025