

## ADMINISTRATIVE PANEL DECISION

The GVGALLERY LLC v. Umar Shahroz Ramzan / Sohaib Ramzan / Umar Shahroz, itians / Muhammad Zaman / Muhammad Ramzan, RTRRR  
Case No. D2025-0740

### 1. The Parties

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

The Respondents are Umar Shahroz Ramzan, Pakistan; Sohaib Ramzan, Pakistan; Umar Shahroz, itians, Pakistan; Muhammad Zaman, Pakistan; Muhammad Ramzan, RTRRR, Pakistan.

### 2. The Domain Names and Registrars

The disputed domain names <gvgallery.net>, <the-gvgallery.com>, <thegvgallery.com.co> and <thegvgalleryus.com> are registered with CloudFlare, Inc.

The disputed domain name <thegvgallerys.shop> is registered with Spaceship, Inc.

The Registrars will be referred collectively as the "Registrars".

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 22, 2025. On February 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on February 28, 2025, providing the registrant and contact information disclosed by the Registrar, requesting the Complainant to either file separate complaint(s) 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 an amended Complaint on March 4, 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 March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 1, 2025.

The Center appointed Rebecca Slater as the sole panelist in this matter on April 9, 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 fashion retailer headquartered in the US. The Complainant was established in 2014. It has a consumer base of over 40,000 fans, 170,000 email subscribers, and 100,000 SMS subscribers. The Complainant’s offering is based around monthly “drops” of clothing and accessories on “drop days”. Subscribers have early access to the “drop” and then the Complainant opens access to the public. Access to sales only lasts until the following day. The Complainant does not sell its products online at any other time (except for exclusive “restocks” or “shock drops” for subscribers). The Complainant has also offered pop-up physical stores in cities across the US. The Complainant’s annual revenues exceed USD 10,000,000 and there are over 2,250,000 visitors to the Complainant’s website each year.

The Complainant has used the unregistered trade mark THEGVGALLERY (the “Trade Mark”) in connection with its online and pop-up retail services since January 2018. It has applied for formal protection of the Trade Mark (US Trade Application No. 98703040 for THEGVGALLERY word mark (applied for August 16, 2024)).

The Complainant is the registrant of the <thegvgallery.com> domain name (registered September 9, 2020) and the @gvgallery Instagram handle (used since at least May 6, 2019), which it uses to run its retail operations.

The disputed domain names were registered on the following dates:

- <gvgallery.net>: December 1, 2024
- <the-gvgallery.com>: January 8, 2025
- <thegvgallery.com.co>: November 2, 2024
- <thegvgalleryus.com>: January 7, 2025
- <thegvgallerys.shop>: January 3, 2025

The Respondents are individuals apparently located in Pakistan. The Respondents did not submit a response, and, little information is known about the Respondents. For reasons explained in Section 6, the Respondents are collectively referred to hereafter as “the Respondent”, unless it is necessary to refer to them separately.

The disputed domain names <gvgallery.net>, <the-gvgallery.com>, <thegvgallery.com.co> and <thegvgalleryus.com> resolve to similar websites branded with a “GV” logo or a “RASPBERRY” or “RASPBERRY HILLS” logo (other trade marks used by the Complainant). The websites offer clothing and accessories for sale at reduced prices. Some of the products offered for sale are branded with trade marks used by the Complainant (e.g. RASPBERRY, RASPBERRY HILLS). The browser tab titles for these websites have the same structure (featuring double vertical lines after “GV GALLERY” or “Gv Gallery”). The disputed domain name <thegvgallerys.shop> does not currently resolve to an active website, but previously (as of January 22, 2025) resolved to a website similar to the websites to which the other disputed domain names currently resolve.

## **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.

Notably, the Complainant contends that:

- The disputed domain names feature the Trade Mark in its entirety or a highly similar variation thereof. The [the-gvgallery.com](http://the-gvgallery.com) disputed domain name merely incorporates a dash, the [thegvgalleryus.com](http://thegvgalleryus.com) disputed domain name merely adds the geographical term "US", and the [thegvgallerys.shop](http://thegvgallerys.shop) disputed domain name merely adds an "s" on the end of the Trade Mark. The Complainant also notes that its trade marks, such as RASPBERRY, RASPBERRY HILLS and GOLD+VINTAGE are used on the websites to which the disputed domain names resolve.
- The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent is in no way associated with the Complainant, the Trade Mark or the Complainant's other fashion lines. To the Complainant's knowledge, the Respondent has never been known by the Trade Mark. The Complainant has never licensed or authorized the Respondent to use the Trade Mark, and the Complainant does not license any third parties to use its brands. The disputed domain names carry a high risk of implied affiliation. The content of the websites that the disputed domain names resolve to attempt to pass the Respondent off as a legitimate seller of the Complainant's goods. The Respondent may be scamming customers and not shipping goods when orders are placed or alternately, fulfilling orders with secondhand products that it is not authorized to sell.
- The Respondent has registered and used the disputed domain names in bad faith. The Respondent has registered the disputed domain names with knowledge of the Trade Mark and is using the disputed domain names to intentionally confuse and divert customers (by passing itself off as the Complainant) for the Respondent's commercial gain. This amounts to opportunistic bad faith. The Complainant cites previous UDRP decisions concerning the Respondent, where it has also used varying registrant information, potentially as a tactic to avoid being discovered as a serial violator of the UDRP.

### **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

1. the disputed domain names are identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
3. the disputed domain names have been registered and are being used in bad faith.

The onus of proving these elements is on the Complainant.

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- the Respondents have not contested the Complainant's assertion that the disputed domain names are under current control;
- the content of the websites that the disputed domain names resolve (or have resolved) to is similar;
- the browser tab titles for the websites at the disputed domain names have the same structure (featuring double vertical lines after "GV GALLERY" or "Gv Gallery");
- the Respondents are all located in Punjab, Pakistan;
- there is overlap between the registrant street addresses that the Respondents have provided (for example, four of the disputed domain names have a street address which includes "Renala Khurd", four have a street address which includes "Okara" and two have a street address that features both); and
- the disputed domain names were all registered over a 67-day period.

Considering the above, 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.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

#### **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 Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Trade Mark is distinctive, and the Panel is satisfied that it has been used extensively by the Complainant in commerce as a designation of source, including on social media.

The Panel finds the Trade Mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name <thegvgallery.com.co> is identical to the Trade Mark. The other disputed domain names are confusingly similar to the Trade Mark as follows: <gvgallery.net> omits "the", <the-gvgallery.com> adds a dash, <thegvgalleryus.com> adds the "US" geographical term, and <thegvgallerys.shop> adds an "s" to the end of the Trade Mark.

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 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.

The Panel notes that the composition of the disputed domain names carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1. The Complainant has not authorized the Respondent to the Trade Mark and there is no evidence that the Respondent has ever been commonly known by the disputed domain names.

Panels have held that the use of a domain name for illegal activity (here, claimed sale of products at discounted prices and impersonation/passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names constitute bad faith under the Policy.

The Panel finds it unlikely that the disputed domain names were registered without knowledge of the Complainant and its Trade Mark, given the reputation of the Complainant and the composition of the disputed domain names. The Respondent’s goal in registering and using the disputed domain names appears, on the balance of probabilities, to be to attract Internet users by taking unfair advantage of the Complainant’s trade mark for potential gain. This finding is reinforced by the Respondent’s use of the dispute domain names to host websites offering products (some of which are branded with the Trade Mark or other trade marks of the Complainant) at reduced prices. This amounts to “opportunistic bad faith” under the Policy.

Panels have held that the use of a domain name for illegal activity (here, claimed sale of products at discounted prices and impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <gvgallery.net>, <the-gvgallery.com>, <thegvgallery.com.co>, <thegvgallerys.shop>, and <thegvgalleryus.com> be transferred to the Complainant.

*/Rebecca Slater/*

**Rebecca Slater**

Sole Panelist

Date: April 22, 2025