

## **ADMINISTRATIVE PANEL DECISION**

A&S Holdings (AUS) Pty Ltd v. CasandraLiils  
Case No. D2025-0938

### **1. The Parties**

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

The Respondent is CasandraLiils, United States of America ("United States").

### **2. The Domain Name and Registrar**

The disputed domain name <iamgiav.com> is registered with Sav.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 7, 2025. On March 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 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 March 11, 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 March 13, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Aaron Newell as the sole panelist in this matter on April 10, 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 an Australian company that since 2017 has operated a women's fashion clothing business by reference to the name I AM GIA. The Complainant's business is conducted primarily at a website at the domain name <iamgia.com>. The Complainant's business is promoted through social media platforms Facebook, TikTok and Instagram. At the latter it enjoyed 1.4 million followers at the time of the Complaint.

The Complainant owns a number of registered trademark rights around the world for its I AM GIA trademark. These rights include United States Trademark Registration No. 6166141 I. AM. GIA (word mark) in classes 25, 35 and 42 covering, among other goods and services, various types of clothing and the retail of clothing (registered on October 6, 2020), Australian Trademark Registration No. 1876551 I AM GIA (word mark) in classes 9, 18, 25, 35 and 42 and also covering clothing products and retail thereof (registered August 25, 2021) and Australian Trademark Registration No. 1829873 I.AM.GIA (word mark) in classes 25, 35 and 42 and also covering clothing products and retail thereof (registered October 11, 2017).

The disputed domain name was registered on June 20, 2024. The Complainant has submitted evidence demonstrating that the disputed domain name has been used to resolve to a website that purports to offer the Complainant's products for sale. The website displays the Complainant's trademark, and copies imagery from the Complainant's website including images of the Complainant's clothing and of models wearing the clothing. The clothing featured on the Respondent's website is purported to be offered at deeply discounted prices compared to the prices for the identical items on the Complainant's website. There is no clear or obvious statement on the Respondent's website as to its relationship with the Complainant.

The Respondent did not respond to the Complaint or otherwise engage in the proceedings. There is also no evidence of the Respondent having engaged directly with the Complainant.

#### **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 contends that:

- (i) the disputed domain name wholly incorporates the mark I AM GIA and is therefore confusingly similar to the Complainant's I AM GIA and I.AM.GIA trademarks;
- (ii) the Respondent has no rights and/or legitimate interests in the disputed domain name because it has no connection with the Complainant, is not authorized to use the Complainant's trademarks, including by way of registering the disputed domain name, or to sell the Complainant's products, is by way of the website at the disputed domain name undertaking conduct that is not a bona fide or legitimate offering of goods and/or services, and is impersonating the Complainant and/or committing a passing off and/or sale of counterfeit goods;
- (iii) the disputed domain name was registered and is being used in bad faith because the Respondent was aware of the Complainant's use of the I AM GIA trademark at the time of registering the disputed domain name, has copied the Complainant's website (including the images and layout used by the Complainant), is

imitating the Complainant and purporting to sell the Complainant's products, does nothing to make clear the fact that it is not the Complainant or affiliated with it, and is thereby using the disputed domain name with the intention of confusing consumers.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

The Respondent's default does not automatically result in a decision in favour of the Complainant, however paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

### **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 Complainant's I AM GIA 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.

The addition of the single letter "v" in "iamgiav" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy.

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.

The Panel notes that the disputed domain name incorporates the Complainant's trademark with an additional letter at the end, which would appear to be included either as a subtle addition that enables the Respondent to register a domain name that is otherwise identical to the Complainant's and/or to take advantage of typographical errors that Internet users may make when seeking the Complainant's business online. Further, the disputed domain name has been used to resolve to a website that purports to offer the Complainant's products for sale, using the Complainant's product images. Noting the lack of any authorization by the Complainant and the lack of any disclaimer, the Respondent's use of the inherently misleading disputed domain name does not amount to a bona fide offer.

Again, the Respondent has not denied that it has undertaken such conduct and has done nothing to rebut the Complainant's contentions in this regard.

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.

These include circumstances set out at paragraph 4(b)(iv) of the Policy whereby:

(iv) by using the domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [its] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [its] web site or location or of a product or service on [its] web site or location.

In the present case, the Panel notes that the disputed domain name wholly contains the Complainant's registered trademark and was registered by the Respondent without the Complainant's authorization.

The Respondent has used the disputed domain name to resolve to a website that is similar in numerous respects to the Complainant's website, including by copying the Complainant's product images and images of its products being modeled. With the benefit of these images, the Respondent's website purports to offer for sale the Complainant's products at prices that are significantly lower than those for the identical products as featured on the Complainant's website.

Noting the lack of any disclaimer, the overall impression given by the Respondent's conduct at the disputed domain name is that the website at the disputed domain name is or is related to the Complainant, when this is not the case. As alleged by the Complainant and not rebutted by the Respondent, the Respondent has most likely undertaken this conduct for the purposes of commercial gain by misleading consumers, in competition with the Complainant, and obviously to the detriment of the Complainant. This conduct is clearly described by paragraph 4(b)(iv) of the Policy.

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 the third element of the Policy has been established.

## **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 <iamgiav.com> be transferred to the Complainant.

*/Aaron Newell/*

**Aaron Newell**

Sole Panelist

Date: April 24, 2025