

## **ADMINISTRATIVE PANEL DECISION**

Lamps Plus, Inc. v. Donna Logan  
Case No. D2025-1230

### **1. The Parties**

The Complainant is Lamps Plus, Inc., United States of America, represented by Sheppard, Mullin, Richter & Hampton, LLP, United States of America.

The Respondent is Donna Logan, Ukraine.

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

The disputed domain name <casaviejafan.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 March 25, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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 28, 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 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 April 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 5, 2025.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on May 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. Further Procedural Considerations

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

As the Respondent's mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision, it may impact case notification. It is appropriate for the Panel to consider, in accordance with the discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that the proceeding should continue to a decision. The Panel notes the following factors:

- (a) Upon receiving advice of the Complaint, the Registrar advised the Center of the name of the Respondent and the Respondent's contact email address, being a Gmail address.
- (b) The Center sent the Notification of Complaint by email to the Gmail address for the Respondent as provided by the Registrar.
- (c) The Center also sent the Notification of Complaint to contact addresses provided by the website located at the disputed domain name namely [...]@casaviejafan.com as well as through a contact form on the website at the disputed domain name which resulted in a response to the Center from that website stating: "Thanks for contacting us! We will be in touch shortly."
- (d) The Written Notice of Complaint was sent successfully to the Respondent's physical address in Ukraine. However, it could not be delivered as the "recipient was absent".

In all the circumstances the Panel is satisfied that proper notice has been given to the Respondent.

It is also noted that, for the reasons set out later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain name in bad faith, with knowledge of the Complainant and with the intention of unfairly targeting the Complainant's trademark and goodwill.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and in order for the administrative proceedings to take place with due expedition, the Panel proceeds to a Decision accordingly.

#### 5. Factual Background

The Complainant is a company headquartered in the United States of America.

For many decades the Complainant has operated as a special lighting retailer with trained specialists in ceiling fans, chandeliers, and outdoor lighting under the trademarks CASA and CASAVIEJA. The Complainant has been active in using these trademarks for some 40 years.

The relevant rights of the Complainant comprise federal trademark registrations in the United States of America (together "the CASA Trademarks"):

Mark	Reg. No.	Goods/Services	Date of First Use	Date of Registration
CASA VIEJA	1,319,230	Cl. 11: ceiling fans	April 17, 1982	February 12, 1985

CASA	1,747,004	Cl. 11: electrically operated ceiling fans	August 1, 1991	January 19, 1993
CASA	3,669,383	Cl. 9: remote control for electrical lighting apparatus Cl. 11: ceiling lights; chandeliers	September 30, 1997	August 18, 2009

The disputed domain name was registered on March 19, 2024. The disputed domain name has been directed to a commercial website advertising and promoting ceiling fans.

## 6. 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 the disputed domain name is confusingly similar to its CASA Trademarks. Further, the Complainant asserts that, as a result of its trademark registrations and the fact that it has undertaken widespread use and promotion of its CASA Trademarks, it has common law rights in those CASA Trademarks.

The Complainant notes that the disputed domain name includes the descriptive term "fan" alongside the CASA VIEJA mark. The Complainant asserts that this does not affect a finding that the disputed domain name is identical or confusingly similar to the Complainant's CASA Trademarks.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. It asserts that none of the circumstances provided in paragraph 4(c) of the Policy are present in this case:

- (a) The Respondent is not a representative of the Complainant, has no business relationship with the Complainant, does not have a license to use the CASA Trademarks and is not authorized to register any domain name incorporating the CASA Trademarks.
- (b) The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services in a legitimate noncommercial or fair use.
- (c) There is no evidence that the Respondent was commonly known by "Casavieja" on March 19, 2024 when it registered the disputed domain name.
- (d) The nature of the disputed domain name, comprising the CASA Trademarks and the descriptive term "fan" implies an affiliation or connection with the Complainant and accordingly cannot constitute fair use.

Finally, the Complainant asserts that the disputed domain name has been registered and is being used in bad faith. It asserts that the Respondent's registration and use of the CASA Trademarks was undertaken with both actual and constructive knowledge of the Complainant's rights to the CASA Trademarks.

The Complainant relies on two other factors as to bad faith registration and use. Its first assertion is that the website under the disputed domain name uses a landing page prominently displaying the trademark CASA VIEJA together with the Complainant's own original photographs of ceiling fans. Secondly, the Complainant asserts that the disputed domain name drives consumers away from the Complainant's own site and undermines the Complainant's legitimate commercial interests by implying an association.

### B. Respondent

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

## **7. Discussion and Findings**

### **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 Panel finds that the Complainant's CASA Trademarks are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to those marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms "fan" 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.

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, the Panel finds that the disputed domain name was registered in bad faith for the following reasons:

(a) The Complainant has clearly demonstrated that it has rights to its CASA Trademarks. Further these trademarks had a well-established reputation as at the date of registration of the disputed domain name, as a result of the Complainant's extensive use of them commencing in the 1980s and its trading history. The Complainant has also shown the use of its CASA Trademarks in e-commerce business through its own website and through sales on eBay, Amazon and Walmart, prior to registration of the disputed domain name.

(b) The Respondent clearly knew of the Complainant's CASA Trademarks when it registered the disputed domain name. This is evidenced in two ways. First, by the inclusion of the word "fan" in the disputed domain name in circumstances where two of the Complainant's registrations for the CASA Trademarks in the United States of America are in respect of ceiling fans. Secondly, on the landing pages at the disputed domain name the Respondent utilizes the Complainant's copyright photographs of its own ceiling fan products.

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith for the following reasons:

(a) The Complainant has provided evidence that the disputed domain name is being used to direct Internet users (who may be looking for the Complainant and its well-established products) to a landing page that is not connected in any way with the Complainant. Further, as noted earlier, the landing pages at the disputed domain name prominently feature the Complainant's copyright photographs of its own ceiling fan products as well as the CASAVIEJA Trademark. Members of the public will be confused or deceived by these activities into believing that the disputed domain name (and the associated website located there) are in fact the Complainant's or are connected with the Complainant when this is not the case. This results in consumers being driven away from the Complainant's legitimate website.

(b) The Panel is entitled to draw and does draw an adverse inference from the failure of the Respondent to respond to the Complaint and to the factual allegations made by the Complainant.

The Panel finds that the Complainant has established the third element of the Policy.

## **8. 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 <casaviejafan.com> be transferred to the Complainant.

*/Andrew Brown K.C./*

**Andrew Brown K.C.**

Sole Panelist

Date: May 19, 2025