

ADMINISTRATIVE PANEL DECISION

Marisa Peer and John Robert Davy v. Kingombe Onyangunga and Jiles Lureno

Case No. D2025-1325

1. The Parties

The Complainants are Marisa Peer and John Robert Davy, United States of America, represented by Briffa, United Kingdom (UK).

The Respondents are Kingombe Onyangunga, UK, and Jiles Lureno, UK.

2. The Domain Name and Registrar

The disputed domain name <marisapeer.org> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 1, 2025. On April 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 3, 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 April 8, 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 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2025. On April 28, 2025, the Respondent requested, pursuant to paragraph 5(b) of the Rules, an automatic four (4) day extension to file a Response. The new due date for Response was May 2, 2025. The Respondent did not submit a formal response but sent email communications to the Center on May 2 and 14, 2025 signed by Jiles Loreno acting as an actual owner of the disputed domain name and thus added as the Respondent in this decision.

The Center appointed Taras Kyslyy as the sole panelist in this matter on May 15, 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 1 Marisa Peer is a British psychotherapist, author, and speaker, known for her pioneering approach to therapy. She is particularly noted for her expertise in hypnotherapy and her approach to helping individuals overcome a variety of issues such as anxiety, low self-esteem, and unwanted behaviors. The Complainant 1 is also the founder of the Rapid Transformational Therapy method, which combines aspects of cognitive behavioral therapy, coaching, and hypnotherapy to facilitate quick and effective change. In addition to her therapy practice, the Complainant 1 has written several books and often speaks at events and workshops focused on mental health and personal growth. Throughout her career, which has spanned over three decades, the Complainant has helped numerous clients, including Hollywood celebrities, CEOs, royalty and sports stars.

The Complainant 1 Marisa Peer and the Complainant 2 John Robert Davy co-own trademark rights for MARISA PEER sign, including for instance UK registration No. UK00918238597, registered on September 2, 2020.

The Complainants use the domain name <marisapeer.com>, which incorporates their trademark, to sell their products and services online. This domain name was registered on March 22, 2004.

The disputed domain name was registered on September 5, 2024, and resolves to a website falsely pretending to be of the Complainant 1 and offering for sale services falsely pretending to be of the Complainant 1.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is identical or confusingly similar to the Complainants' trademark. As a result of the extensive use of the Complainants' trademark it became well-known. Top-Level domain in a domain name (e.g., ".com", ".org") is viewed as a standard registration requirement and as such is disregarded under the first element of the confusing similarity test. Accordingly, the ".org" element in the disputed domain name is to be discounted from the assessment of confusing similarity. The disputed domain name is visually, aurally and conceptually identical to the Complainants' trademark.

The Complainants also contend that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainants have a prima facie case, the Respondent has no rights or legitimate interests in respect of the disputed domain name and has never been authorized by the Complainants to use the Complainants' trademarks. The following factors point to the registration of the disputed domain name being abusive: (a) the disputed domain name is confusingly similar to the Complainants' well-known trademark; (b) the Complainants' trademark predates the disputed domain name and (c) the Complainants have not licensed the trademark to the Respondent. The Respondent obtained the disputed domain name to take advantage of the Complainants' trademark, as the disputed domain name is identical to the Complainants' well-known trademark.

Finally, the Complainants contend that the disputed domain name was registered and is being used in bad faith. By merely registering the disputed domain name confusingly similar to the Complainants' well-known trademark, the Respondent has acted in bad faith. The disputed domain name has been used to take fraudulent payments from customers who believed it was the Complainants' website. The Respondent has used a proxy service to hide its identity. This was deliberately done to avoid being notified of a UDRP complaint filed against it.

B. Respondent

The Respondent did not reply formally to the Complainant's contentions. Upon receipt of the Complaint the Respondent in its informal communication on May 2, 2025, expressed its willingness to amicably transfer the disputed domain name to resolve this matter swiftly and without the need for further proceedings. Given the time and administrative costs incurred by the Respondent, it requested a modest contribution towards its expenses. In the Respondent's informal communication on May 14, 2025, it submitted its willingness to transfer the disputed domain name to resolve this matter amicably. In the same email, the Respondent informs the Complainant that the Registrar confirmed registrant name of the disputed domain name, Kingombe Onyangunga, provides web hosting services, and is not involved in the current matter and holds no ownership or decision-making role in relation to the disputed domain name.

6. Discussion and Findings

A. Consolidation of Complainants

Section 4.11.1 of the [WIPO Overview 3.0](#) summarizes the consensus view of UDRP panels on the consolidation of multiple complainants, in part, as follows:

"In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

Although the Complainants omitted any explanation to justify the consolidation, the Panel finds the available information on the circumstances of the case allow to decide on this procedural issue to avoid delays in the case review. The Panel notes that the Complainants co-own trademark, on which the Complaint is based. The Complainants are related persons and have a common legal interest sufficient to justify consolidation. There is no reason to require each of them to submit an almost identical complaint against the Respondent with nearly identical facts, legal arguments and requested relief. Moreover, the Respondent will not suffer any prejudice, and consolidation will not affect the Respondent's rights in responding to the Complaint.

The Panel finds these circumstances are sufficient to consolidate the Complainants (referred to herein collectively as "the Complainant").

B. Consent to Transfer

Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the standard settlement process, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include where the panel finds a broader interest in recording a substantive decision on the merits – notably

recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, which the Panel finds should be applied in this case. [WIPO Overview 3.0](#), section 4.10.

In this case, the Panel has decided to render a decision on the merits, the consent to transfer the disputed domain name comes from Jiles Lureno which does not seem to be the underlying registrant provided by the registrar.

C. 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 applicable generic Top-Level Domain ("gTLD") 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. Thus, the Panel disregards gTLD ".org" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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

The Panel finds the first element of the Policy has been established.

D. 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 available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent, thus no actual or contemplated bona fide or legitimate use of the disputed domain name could be reasonably claimed (see, *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

Panels have held that the use of a domain name for illegal activity here, impersonation/passing off the Complainants at the website at the disputed domain name, 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.

E. 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 notes that the Respondent placed at the disputed domain name a website impersonating the Complainants, which confirms the Respondent was aware of the Complainant and its trademark rights, which is bad faith. [WIPO Overview 3.0](#), section 3.2.2.

According to paragraph 4(b)(iv) of the Policy the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location. In this case, the disputed domain name was resolving to a website featuring the Complainant's trademark and falsely pretended to be the Complainant's official website to intentionally attract Internet users by creating likelihood of confusion with the Complainant's trademark as to the source of the website and its products. The Panel finds the above confirms the disputed domain name was registered and used in bad faith.

Furthermore, panels have held that the use of a domain name for illegal activity here impersonation/passing off the Complainant at the website at the disputed domain name constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Moreover, the Respondent used a proxy service to register the disputed domain name. According to section 3.6 of the [WIPO Overview 3.0](#), the use of a privacy or proxy service merely to avoid being notified of a UDRP proceeding, may support an inference of bad faith; a respondent filing a response may refute such inference. However, no such formal response was provided by the Respondent. The Panel finds that such use of the proxy service here confirms registration of the disputed domain name in bad faith.

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 <marisapeer.org> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: May 26, 2025