

## ADMINISTRATIVE PANEL DECISION

Mary Alice Haney v. Nanci Nette, Name Management Group  
Case No. D2025-1875

### 1. The Parties

The Complainant is Mary Alice Haney, United States of America (“United States”), represented by SoCal IP Law Group, LLP, United States.

The Respondent is Nanci Nette, Name Management Group, United States.

### 2. The Domain Name and Registrar

The disputed domain name <maryalicehaney.com> is registered with Network Solutions, LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 10, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 May 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2025. The Respondent did not submit any response.<sup>1</sup>

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<sup>1</sup> Given the absence of a Response, the Panel has carefully reviewed the record to ensure that the Respondent received the opportunity for fair notice of this proceeding. See *Nicole Kidman v. John Zuccarini, d/b/a Cupcake Party*, WIPO Case No. [D2000-1415](#). The Center sent notification of the Complaint to the Respondent by email and courier (the Center was unable to notify the Respondent by fax because she did not provide a fax number when she registered the disputed domain name. Although one of the emails (to the postmaster address) bounced back as being undeliverable, the email sent to the email address provided by the Registrar for the

Accordingly, the Center notified the Respondent's default on June 3, 2025.

The Center appointed David H. Bernstein as the sole panelist in this matter on June 6, 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 Mary Alice Haney, an individual from the United States. She states that she is a celebrity fashion designer, an actress, a television host, a celebrity stylist, and a designer of luxury fashion goods. The Complainant initially registered the disputed domain name on December 12, 2003, and thereafter used the disputed domain name for her website. At some point prior to the Respondent's registration of the disputed domain name, the Complainant inadvertently lost the disputed domain name due to "an administrative error."

The Complainant owns a pending trademark application in the United States Patent and Trademark Office ("USPTO") for the mark MARY ALICE HANEY, United States Serial No. 99161826. That application claims first use as of December 12, 2003 and covers the provision of a website featuring news, articles, reviews, photographs, and other information and multi-media materials relating to performing as an actor in films and television, events in the field of women's rights, women's health and advocacy for women, fashion, celebrity styling, fashion design; and hosting television programs and news and entertainment broadcasts. The application was filed with the USPTO on April 29, 2025; it has not yet been examined.

Based on the available record, the Respondent seems to have registered the disputed domain name in January 2025. The disputed domain name has redirected to a website with pop-ups which appear to constitute phishing or the distribution of malware.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that she has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complaint asserts common law rights in the mark MARY ALICE HANEY. The Complainant states the mark has been in continuous and prominent use in connection with her services for over 21 years, with a first use date of at least December 12, 2003. The Complainant submitted evidence of public recognition and use in the form of media articles and web archives showing her use of the disputed domain name to promote her brand. The Complainant contends that the disputed domain name is identical to her common law trademark rights in MARY ALICE HANEY.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, as the Complainant has not authorized use of her trademark, and the Respondent's use of the disputed domain name to redirect to an alleged malicious scareware website is not a bona fide offering of goods or services.

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Respondent appears to have been received. The Written Notice sent by courier was not deliverable because the Respondent was no longer at the address she provided in the WHOIS records. It thus appears that the Respondent received actual notice of the Complaint by email, but regardless, the Panel finds that the Center has discharged its obligation to provide fair notice to the Respondent as required by the Rules, paragraph 2(a).

Finally, the Complainant argues that the Respondent registered and used the disputed domain name in bad faith, as evidenced by the use of the disputed domain name to redirect Internet users to a “malicious scareware website” that appears to distribute malware.

The Complainant states that, on April 30, 2025, the Complainant contacted the Respondent to object to her registration and use of the disputed domain name, but the Respondent did not reply.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements by a preponderance of the evidence to obtain an order that a disputed domain name be transferred:

- i) the disputed domain name registered by the respondent 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.

As noted above, the Respondent did not submit a Response. Accordingly, pursuant to paragraph 5(f) of the Rules, the Panel may proceed to decision based upon the Complaint, and the Panel may rely on any supported and nonconclusory allegations in the Complaint, as well as reasonable inferences that may be drawn therefrom. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.3. However, the Complainant is still obligated to prove its entitlement to the requested relief by a preponderance of the evidence. *Id.*

### **A. Identical or Confusingly Similar**

The first element of the Policy 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 3.0](#), section 1.7.

The Complainant has submitted evidence of her recent trademark application, but that application has not yet been examined and is still pending. As such, the application does not provide proof of trademark rights within the meaning of UDRP paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.1.4.

The Complainant has also submitted evidence that, she asserts, supports her claim of common law trademark rights in MARY ALICE HANEY and HANEY. That evidence is relatively thin. It includes historical references to her sale of apparel under the HANEY trademark, and the provision of styling services to celebrities under the MARY ALICE HANEY mark. Her evidence also includes historical images from the Internet Wayback Machine of the home page of her website (before she lost control of the disputed domain name). Parsing the annexes carefully, the Panel was able to find sufficient evidence of the Complainant’s use of her claimed MARY ALICE HANEY trademark for the provision of styling services and of the HANEY trademark for sale of apparel. As such, the Complainant has sustained her burden of establishing, by a preponderance of the evidence, that she has common law trademark rights in the marks MARY ALICE HANEY and HANEY.

The entirety of the marks are reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the marks 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.

## **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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has alleged that the Respondent does not appear to be known by the disputed domain name; further, the Complainant has not given the Respondent any permission to register or use the Complainant’s trademark in the Respondent’s domain name. The Complainant also has alleged (and the Panel has confirmed) that the disputed domain name appears to redirect to other websites, which appear to reflect an effort to distribute malware. The use of a domain name for distributing malware is never appropriate and does not confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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. As such, the Complainant has sustained her burden of proving, by a preponderance of the evidence, that the Respondent lacks rights or legitimate interests in the disputed domain name.

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

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy lists circumstances 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 listed circumstances are examples that can constitute bad faith registration and use; they are not exclusive.

In the present case, the Panel finds that the Respondent’s use of the disputed domain name to redirect to other websites that appear to be distributing malware constitutes bad faith under paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.4. The Panel infers that this misconduct, which began shortly after the Respondent registered the disputed domain name, was the Respondent’s malicious intent at the time she registered the disputed domain name.<sup>2</sup> The Complainant has therefore established that the Respondent registered and used the disputed domain name in bad faith.

The Panel also notes that the Respondent has been involved in numerous UDRP proceedings finding the targeting of well-known third party trademarks and granting the transfer of domain names to the complainants, indicating a pattern of bad faith by the Respondent.

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

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<sup>2</sup> Prior panels have established that the date that the current registrant acquired the domain name is the date a panel will consider in assessing bad faith. [WIPO Overview 3.0](#), section 3.9.

## 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 <maryalicehaney.com> be transferred to the Complainant.

*/David H. Bernstein/*

**David H. Bernstein**

Sole Panelist

Date: June 20, 2025