

## **ADMINISTRATIVE PANEL DECISION**

### **THEGVGALLERY LLC v. Siemens Fynn**

### **Case No. D2025-2354**

#### **1. The Parties**

Complainant is THEGVGALLERY LLC, United States of America (“United States”), represented by Immix Law Group PC, United States.

Respondent is Siemens Fynn, Pakistan.

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

The disputed domain name <raspberrylhillsclothing.store> (the “Domain Name”) is registered with Nicenic International Group Co., Limited (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 14, 2025. On June 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name and an additional domain name. On June 17, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name and an additional domain name, which differed from the named Respondent (Cloudfase, Nicenic International Group Co.) and contact information in the Complaint.

The Center sent an email communication to Complainant on June 17, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaints for the 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.

Complainant filed an amended Complaint and also withdrew the claims against the additional domain name on June 26, 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 Respondent of the Complaint, and the proceedings commenced on June 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 17, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 18, 2025.

The Center appointed Clive L. Elliott K.C., as the sole panelist in this matter on July 23, 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

Complainant is a fashion retailer, established in 2014, having its headquarters in the United States. RASPBERRY HILLS is Complainant's most widely recognized clothing line.

Complainant states that it has a customer base of over 50,000 loyal fans, 175,000 email subscribers and 135,000 SMS subscribers. It uses a distinctive drop-based model that involves restricted access to its website <thegvgallery.com>, which is made available to subscribers via exclusive password access on designated drop days. Complainant asserts that this model generates a frenzy of demand for Complainant's offerings and significant revenue within the first two hours of each monthly drop.

After the first two hours of exclusive access for subscribers Complainant then opens up access to the public for one day. Complainant has also offered pop-up physical stores in cities across the United States.

Complainant has used the trade mark RASPBERRY HILLS (Complainant's Mark) since 2019 and in addition has the following United States registrations:

MARK	REGISTRATION NO.	REGISTRATION DATE	CLASS
RASPBERRY HILLS	7,815,366	June 3, 2025	25
	7,815,367	June 3, 2025	25

Complainant is the registered owner of the domain <thegvgallery.com>, among others, which it uses as the center of operations for its retail offerings, along with the Instagram handle @thegvgallery.

According to the publicly available WhoIs, the Domain Name was registered on February 5, 2025. At the date of this Complaint the Domain Name resolved to a website in which Respondent represents itself as Complainant with the website having a similar look and feel to Complainant's website and purporting to sell Complainant's products.

## 5. Parties' Contentions

### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is nearly identical to Complainant's Mark as it contains Complainant's Mark in its entirety together with the generic word "clothing".

Complainant states that in addition to Complainant's Mark RASPBERRY HILLS, it also offers select in-house fashion lines, including RASPBERRY, in use since 2019, and GLENCI USA, in use since 2023. It also has exclusive rights in its trade mark THEGVGALLERY, where the "GV" stands for GOLD+VINTAGE.

Complainant contends that its other brands referred to are relevant because, along with Complainant's Mark, Respondent is using these marks in the content of the website to which the Domain Name resolves in an attempt to pass itself off as Complainant.

Complainant notes that the content of the website associated with the Domain Name is particularly relevant as it makes it evident that Respondent is attempting to target Complainant and its trade marks.

In particular, Complainant asserts that Respondent has no rights or legitimate interests in the Domain Name, and Respondent is not associated with Complainant, nor has Respondent been licensed or authorized by Complainant to use Complainant's Mark.

Complainant further asserts that Respondent has not made any bona fide offering of goods or services using the Domain Name and the content of the website to which the Domain Name resolves makes it clear that Respondent is attempting to pass itself off as Complainant. The Domain Name diverts Internet users to false online storefronts that purport to be Complainant. Complainant notes that a number of Complainant's products listed for sale on Respondent's website are old items that Complainant has not sold for some time, and thus, Complainant submits, on information and belief, that Respondent is likely scamming customers, but also leading to potential lost sales for Complainant and doing significant damage to Complainant's reputation and goodwill. Complainant states that the intentional copying by Respondent demonstrates that Respondent is endeavouring to capitalize on the reputation and brand recognition that Complainant has developed in its marks.

In addition, Complainant states that Respondent, or a related party under common control, has been party to previous domain disputes involving a similar domain name targeting Complainant, namely <raspberrylhills.store> (See *THEGVGALLERY LLC v., Leonie Boshkoska*, WIPO Case No. [D2025-1204](#)).

### B. Respondent

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant relies on two United States trademark registrations, as set out above. The filing date for both trademarks was in June 2019 and registration date for both of these registrations is June 3, 2025. However, the Domain Name was registered on February 5, 2025, at least three months earlier.

Notwithstanding this, also asserts that it has been using the RASPBERRY HILLS mark since 2019, and it has since become its most widely recognized clothing line. Further, it asserts that it has a loyal customer base of over 50,000. In addition, it says it has 175,000 email subscribers and 135,000 SMS subscribers. Given such prior use of Complainant's Mark, the Panel is satisfied that Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

Complainant's Mark is incorporated in its entirety within the Domain Name, along with the addition of the descriptive term "clothing". The Panel finds that the Domain Name is confusingly similar 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.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which Respondent may demonstrate rights or legitimate interests in a 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not questioned or rebutted Complainant's prima facie showing and has not provided an argument or relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy or otherwise.

In the present case, it is alleged that the Domain Name resolves, or has in the past resolved, to a website in which Respondent represents itself as Complainant, with the website having a similar look and feel to Complainant's website and purporting to sell Complainant's products. In addition, Complainant asserts that this website offers old items for sale that Complainant has not sold for some time. Complainant submits that this is likely to mislead customers into purchasing these products on the basis that they are part of Complainant's current range, contrary to the fact.

In the absence of any challenge to this assertion, the Panel is satisfied that such conduct is likely to mislead users into believing they are interacting with Complainant's drop-based marketing model. Further, it is likely to impersonate Complainant and create a risk of implied affiliation. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

Accordingly, 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.

The Panel notes that the composition of the Domain Name, incorporating Complainant's Mark in its entirety, and Complainant's use of Complainant's Mark, and its adoption of Complainant's look and feel as discussed above, suggests Respondent knew of and sought to take advantage of Complainant's Mark when registering the Domain Name.

As noted above, Respondent has not put forward any plausible explanation for the choice of the Domain Name. Absent such explanation, the Panel considers that with the adoption of a similar marketing method and adopting a look and feel similar to that of Complainant's website, there is a significant risk that the Domain Name, and its use in the above manner, would be misleading or deceptive, falsely suggesting a connection with Complainant.

Based on the above factors, the Panel is satisfied that Respondent has taken unfair advantage of and capitalized financially from the Domain Name and the look and feel of Complainant's website, and the use of Complainant's Mark as described above, and that this constitutes bad faith conduct.

Accordingly, 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 Domain Name <raspberrylhillscllothing.store> be transferred to the Complainant.

*/Clive L. Elliott K.C./*

**Clive L. Elliott K.C.**

Sole Panelist

Date: August 8, 2025