

ADMINISTRATIVE PANEL DECISION

Ilia Inc. v. Smith Cheel
Case No. D2025-2440

1. The Parties

The Complainant is Ilia Inc., United States of America ("United States"), represented by Sideman & Bancroft LLP, United States.

The Respondent is Smith Cheel, United States.

2. The Domain Name and Registrar

The disputed domain name <lilia.beauty> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 June 24, 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 June 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on July 17, 2025.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on July 22, 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, based in California, United States, manufactures and markets cosmetics products under the ILIA brand. It is the proprietor of several trademarks, including the following:

- United States Trademark No. 4098691 for ILIA (word mark), registered on February 14, 2012 for goods and services in classes 3 and 35;
- United States Trademark No. 5,857,861 for ILIA (word mark), registered on September 10, 2019 for services in class 44.

The Complainant operates its primary business and e-commerce website at the domain name <iliabeauty.com>.

The disputed domain name was registered on May 22, 2025. At the time of this Decision, it did not resolve to an active website. The record reflects that it previously resolved to an e-commerce website with the headline "Ilia Beauty" through which the Respondent purported to offer "Ilia Beauty" products for sale.

No further information is available about the Respondent.

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 since its founding in 2011, ILIA Beauty has grown into a leading name in the "clean beauty" movement, offering high-performance cosmetics and skincare products formulated with safe, effective ingredients. The Complainant, which is commonly known as "ILIA Beauty," offers its products to customers internationally through its own website and through well-known third-party retailers such as Sephora and others. The disputed domain name incorporates the entirety of the Complainant's ILIA mark and redirects Internet users to a fraudulent website mimicking the Complainant's website, displaying its mark and featuring images of its products. The Respondent is in no way connected to the Complainant and has no right to use its mark.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (i) the disputed domain name 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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 ILIA mark is reproduced within the disputed domain name. The Panel finds that the addition of an initial letter “I” constitutes a deliberate misspelling of the Complainant’s mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

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 the composition of the disputed domain name, comprising the ILIA mark preceded by the letter “I” and using the top-level domain “.beauty” which, in the Panel’s view, implies a connection with the Complainant. The Panel finds that the nature of the disputed domain name, coupled with its use, carries a risk of implied affiliation to the Complainant that cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

The Respondent has not proved rights or legitimate interests. There is no evidence that the Respondent is commonly known by the disputed domain name. The disputed domain name redirected to an “Ilia Beauty” website prominently featuring the Complainant’s mark and images of its products. Under these

circumstances, such use cannot establish rights or legitimate interests. See [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) 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.

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 Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant's rights in its ILIA mark predate the registration of the disputed domain name by more than 10 years. The disputed domain name contains the Complainant's well-established ILIA trademark preceded by the letter "I", which is readily overlooked. The top-level domain chosen, ".beauty", implies a connection with the Complainant. Together with the use to which the disputed domain name has been put, the composition of the disputed domain name implies an intention to benefit from the reputation of the Complainant's mark.

The disputed domain name redirects Internet users to a website prominently featuring the Complainant's mark and purporting to offer for sale the Complainant's products. The colors and layout of this website are similar to those of the Complainant's own website. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 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 <lilia.beauty> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa /

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: August 5, 2025