

ADMINISTRATIVE PANEL DECISION

Lulu & Georgia, Inc. v. Kate Jones
Case No. D2025-2513

1. The Parties

The Complainant is Lulu & Georgia, Inc., United States of America ("United States"), represented by Sheppard, Mullin, Richter & Hampton, LLP, United States.

The Respondent is Kate Jones, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <lulugeorgiadecor.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 25, 2025. On June 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 27, 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 (Privacy service provided by Gname.com Pte. Ltd.) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 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 July 1, 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 July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 28, 2025.

The Center appointed Purvi Patel Albers as the sole panelist in this matter on August 5, 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 a California corporation based in Los Angeles that specializes in luxury interior design and home décor. The Complainant sells a variety of products including furniture, bedding, lighting, art, pillows, throws, and home décor accessories and operates an online retail store for its various offerings at the domain name <luluandgeorgia.com>.

The Complainant includes evidence of ownership of the United States trademark registration No. 5407349 for LULU & GEORGIA for “[o]n-line retail store services featuring a wide variety of consumer goods of others; [o]n-line retail store services featuring housewares,” which was registered on February 20, 2018, and claims use dating back to October 31, 2012.

The Disputed Domain Name was created on December 3, 2024. The Complaint includes evidence that it resolved to website prominently featuring the LULU AND GEORGIA mark, including in a similar stylization to the mark on the Complainant’s website, and was purportedly selling LULU AND GEORGIA branded products at significantly discounted prices.

At the time of writing this decision, the Disputed Domain Name is inactive.

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 it has rights in the LULU & GEORGIA mark due in part to the registration above. The Complainant further asserts that the Disputed Domain Name is confusingly similar to the LULU & GEORGIA mark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant asserts it has not authorized the Respondent to use or register the Disputed Domain Name. The Complainant further asserts that the Respondent is not using the Disputed Domain Name in connection with a bona fide offering of goods or services or in a legitimate noncommercial or fair manner because the Respondent is using the deceptively similar domain name to divert Internet traffic to a commercial website offering LULU AND GEORGIA branded counterfeit goods at highly discounted prices.

Finally, the Complainant contends that the Disputed Domain Name was registered in bad faith because, among other things, the Respondent attempted to trade off the Complainant’s goodwill by confusing consumers into believing that the Disputed Domain Name and its content are somehow affiliated with the Complainant, and the Disputed Domain Name was used in bad faith by selling unauthorized and counterfeit LULU AND GEORGIA branded products.

B. Respondent

The Respondent did not reply to the Complainant’s contentions

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, to succeed in this dispute, the Complainant must establish that:

- i. the Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights;
- 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.

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 for purposes of the Policy through the trademark registrations cited above. Thus, the Complainant has provided prima facie evidence of trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's LULU & GEORGIA trademark. Where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7. Here, the mark is clearly recognizable within the Disputed Domain Name – differing only in that the Disputed Domain Name merely includes the descriptive term "decor" and omits the "&" symbol, which is not available for use in a domain name.

Although the addition of the other terms, namely, "decor," 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 LULU & GEORGIA mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element").

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 Disputed Domain Name was registered 6 years after the Complainant received its United States registration for the

LULU & GEORGIA mark and more than 12 years after the Complainant began using the mark. The Complainant has not authorized the Respondent to use said mark or register a domain name incorporating it, and there is no evidence showing that the Respondent is, or has been, known as “lulugeorgiadecor” or similar.

There is also no evidence that the Respondent is using the Disputed Domain Name for a bona fide offering of goods or services. Instead, the unrebutted evidence in the case indicates that the Disputed Domain Name prominently displayed the Complainant’s mark, including in the Complainant’s stylized font, and was offering LULU AND GEORGIA branded products at significantly discounted prices. The Respondent has not come forward with any evidence to support a finding that it is acting as an unauthorized reseller of the Complainant’s products. Rather, the evidence on record tends to suggest that the Respondent has been illegitimately holding itself out as the Complainant. Further, past panels have held that goods sold well below market value can form circumstantial evidence which supports a complainant’s claim of counterfeit goods. [WIPO Overview 3.0](#), section 2.13.2; see, e.g., *Olaplex, Inc. v. 丁超 (Ding Chao)*, WIPO Case No. [D2023-4059](#); *Gallery Department, LLC v. Naeem Aslam*, WIPO Case No. [D2024-1808](#); and *Frankie Shop LLC v. Jordan Cole*, WIPO Case No. [D2024-2160](#). The use of a domain name for illegal activity, such as claimed sale of counterfeit goods or impersonation of the Complainant, can never 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.

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 particular, paragraph 4(b)(iv) of the Policy provides that the intentional use of a domain name to attract users to a website for commercial gain, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website, establishes bad faith in the registration and use of the domain name.

In the present case, the Respondent registered the Disputed Domain Name several years after the Complainant began using and registered the mark. Considering the Complainant’s prior use of the LULU & GEORGIA mark, the prominent adoption of the mark on the Disputed Domain Name, and the Respondent’s use of the Disputed Domain Name to offer “LULU AND GEORGIA” branded home décor products, the Panel finds it implausible that the Respondent was unaware of the Complainant’s right when registering the Disputed Domain Name.

Further, the Panel notes that the Respondent is using the Disputed Domain Name and the Complainant’s mark for its own commercial gain by creating a likelihood of confusion as to the source or affiliation of its website and to trick consumers into believing the Disputed Domain Name is somehow associated with the Complainant. The Respondent also attempted to profit from the Complainant’s reputation and goodwill by selling purportedly counterfeit LULU & GEORGIA branded products. Prior panels have held that the use of a domain name for illegal activity, such as the claimed sale of counterfeit goods, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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

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 <lulugeorgiadecor.com> be transferred to the Complainant.

/Purvi Patel Albers/

Purvi Patel Albers

Sole Panelist

Date: August 19, 2025