

## **ADMINISTRATIVE PANEL DECISION**

Lulu & Georgia, Inc. v. Strickland Norma  
Case No. D2025-3101

### **1. The Parties**

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

The Respondent is Strickland Norma, United States.

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

The disputed domain name <luluandgeorgiaoutlet.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 August 4, 2025. On August 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 August 12, 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 August 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on September 11, 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 that owns an interior design and home décor shopping website which offers exclusive and hand-selected styles and specially cured product lines under the LULU & GEORGIA mark, as well as through its corresponding website at <luluandgeorgia.com>, operating since 2012. Its products sold under the mark and on its website include categories such as furniture, rugs, lighting, décor and tabletop, wallpaper, pillows and throws, and outdoor furniture.

The Complainant is the owner of a United States trademark for LULU & GEORGIA, Registration No. 5407349, registered February 20, 2018, in class 35, for “On-line retail store services featuring a wide variety of consumer goods of others; On-line retail store services featuring housewares.”

The disputed domain name was registered on July 9, 2025. The Complainant’s presented evidence reflects that the disputed domain name resolves to a website featuring the LULU AND GEORGIA mark, includes a similar stylization to the Complainant’s mark on the Complainant’s website, and appears to purportedly be selling LULA and GEORGIA branded products with many at significantly discounted prices.

At the time of writing this decision, the disputed domain name still resolves to an active website with the above stated content.

#### **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 trademark based on the above stated trademark registration. The Complainant asserts that the disputed domain name is confusingly similar to its registered trademark, as it comprises the identical “lulu and georgia” terms in their entirety. The inclusion of the descriptive term “outlet” does not differentiate the disputed domain name from the Complainant’s trademark. Rather, it only enhances the likelihood of confusion given the term refers to retail of the Complainant’s home décor products at discounted prices.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name. There is no relationship between the Complainant and the Respondent. The Respondent has no right to own, use, or register any domain name incorporating the Complainant’s LULU & GEORGIA mark. The Respondent’s website lacks any source-identifying information other than the Complainant’s LULU & GEORGIA mark, and thus, deceptively leads visitors to believe that the Complainant is the source of the website at the disputed domain name. The Respondent’s offering of counterfeit goods bearing the LULU & GEORGIA mark does not constitute a bona fide offering of goods or services that could establish any rights or legitimate interests in the disputed domain name. Furthermore, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Rather, the Respondent is using the disputed domain name to divert Internet traffic to a commercial website offering Complainant’s branded products at highly discounted prices.

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered many years after the Complainant first used and acquired rights in the LULU & GEORGIA mark. The Respondent's use of the disputed domain name to resolve to a website selling counterfeit home décor goods and furnishings products using the Complainant's identical LULU & GEORGIA mark is evidence that the Respondent had actual knowledge of the Complainant marks prior to registering the disputed domain name. The Respondent's use of the disputed domain name to divert Internet traffic to sell unauthorized and counterfeit LULU & GEORGIA branded products for the Respondent's financial gain also constitutes bad faith under the Policy. See Policy, paragraph 4(b).

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 mark is reproduced within the disputed domain name. The disputed domain name contains the LULU & GEORGIA mark in its entirety and replaces the ampersand symbol (which is not available for use in a domain name) with the word "the". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "outlet", 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 un rebutted evidence is that the Respondent is using the disputed domain name for a website displaying the Complainant's mark in the same stylized font, while offering LULA & GEORGIA branded products at significantly discounted prices, as well as including images from the Complainant's website. Additionally, the Respondent appears to be illegitimately holding itself out as the Complainant, including in the Terms and Conditions.

Although the Complainant has not provided actual evidence of the goods being counterfeit on the disputed domain name's website, panels have found that circumstantial evidence can support a complainant's otherwise credible claim of illegal respondent activity. Such evidence includes that the goods are offered disproportionately below market value, and the respondent misappropriating copyrighted images from the complainant's website. [WIPO Overview 3.0](#), section 2.13.2; see, e.g. *Lulu & Georgia, Inc. v. Kate Jones*, WIPO Case No. D20205-2513.

Panels have held that the use of a domain name for illegitimate and illegal activity, here, claimed as applicable to this case: sale of counterfeit goods, and impersonation/passing off, 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 notes that the Respondent registered the disputed domain name several years after the Complainant began using and registered its mark. As the Respondent has copied the Complainant's images and is using the disputed domain name's website to promote and purportedly sell the Complainant's LULU & GEORGIA products, the Panel finds it implausible that the Respondent was unaware of the Complainant's rights when registering the disputed domain name.

The Respondent clearly appears to be 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 confuse consumers into believing that the disputed domain name and resolving website is associated with the Complainant. The Respondent has also used the Complainant's Terms and Conditions on the resolving website, without any disclosure of a lack of affiliation with the Complainant. The Respondent has used the disputed domain name to attempt to profit from the Complainant's reputation and goodwill by selling purportedly counterfeit LULU & GEORGIA branded home decor products.

Prior panels have held that the use of a domain name for illegitimate and illegal activity, here, claimed as applicable to this case: sale of counterfeit goods, and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4; see also *Lulu & Georgia, Inc. v. Kate Jones* above. 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 <luluandgeorgiaoutlet.com> be transferred to the Complainant.

*/Gary Saposnik/*

**Gary Saposnik**

Sole Panelist

Date: September 25, 2025