

ADMINISTRATIVE PANEL DECISION

John Myland Limited v. Lynn Maria
Case No. D2025-3157

1. The Parties

The Complainant is John Myland Limited, United Kingdom, represented by Briffa Legal Limited, United Kingdom.

The Respondent is Lynn Maria, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <mylandscolor.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 7, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 8, 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 8, 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 amendment to the Complaint on August 13, 2025.

The Center verified that the Complaint together with the amendment to 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 August 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 8, 2025.

The Center appointed Wilson Pinheiro Jabur 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 Britain’s oldest, family-owned paint and polishes manufacturer”, as stated in its listing in the Royal Warrant, awarded in 1985. The MYLANDS trademark has been in use since 1884 in connection with paints and polishes.

In addition to the domain name <mylands.com>, registered on March 1, 1998, which the Complainant uses as its official website, the Complainant is also the owner of the following, amongst other, trademark registrations (Annex 6 to the Complaint):

- United States trademark registration No. 4,619,870, for the word mark MYLANDS, filed on October 25, 2013, registered on October 14, 2014, successively renewed, in class 2;
- United Kingdom trademark registration No. UK00912237756, for the word mark MYLANDS, filed on October 21, 2013, registered on April 1, 2014, successively renewed, in classes 2, 3 and 35; and
- European Union trademark registration No. 012237756, for the word mark MYLANDS, filed on October 21, 2013, registered on April 1, 2014, successively renewed, in classes 2, 3 and 35.

The disputed domain name was registered on April 5, 2025, and presently resolves to an online shop purportedly offering for sale the Complainant’s products at discounted prices, namely paints and sealers, and displaying a “finish” logo. When the Panel independently visited the website at the disputed domain name, it indicated at its “About us” section “Welcome to www.mylandscolor.com, where you can find thousands of popular designed clothes with high-quality”, as well as claiming to offer “fashion ingredients by our design team”, being “committed to providing customers with original, high quality, and exclusive fashionable clothing at reasonable prices”.¹

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 asserts that, as a result of its activities and the extensive use of the MYLANDS trademark by the Complainant, the Complainant’s MYLANDS trademark has become a well-known trademark distinguishing the Complainant’s goods throughout the world.

The Complainant further contends that the disputed domain name is confusingly similar to the Complainant’s trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name and has never been authorized by the Complainant to use the Complainant’s trademark. Furthermore, the Complainant emphasizes not to have authorized the Respondent make use of the Complainant’s product images (which are copyright owned by the Complainant) and the Complainant infers

¹ Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) section 4.8.

that the disputed domain name is being used for illegal use such as phishing or malware attacks and/or the sale of counterfeit products. In addition to that, the Respondent, to the best of the Complainant's knowledge and belief, has not been commonly known by the disputed domain name.

Lastly, the Complainant asserts that the Respondent has registered the disputed domain name in bad faith, what is evident given the Respondent's use of the Complainant's product imagery and the offer to sell the Complainant's products at significantly low price points at the website available at the disputed domain name. The Respondent is using the Disputed Domain Name intentionally to attract, for commercial gain, internet users to their website by creating a likelihood of confusion, suggesting an intent to mislead users into believing the disputed domain name is affiliated with or endorsed by the Complainant, which is not true.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

The Complainant must prove in these administrative proceedings that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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 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. 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 term ("color") 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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been commonly known by the disputed domain name and is neither authorized or licensed, nor been allowed to use the Complainant's trademark, whether in the disputed domain name, or in any other way.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Furthermore, according to the evidence submitted by the Complainant, the use of the disputed domain name in connection with a website reproducing the Complainant's product imagery purportedly offering for sale the Complainant's products (at significantly lower prices) without disclosing its lack of relationship with the Complainant, does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the Respondent has used the disputed domain name in connection with a website reproducing the Complainant's product imagery purportedly offering for sale the Complainant's products at significantly lower prices and without disclosing its lack of relationship with the Complainant, while claiming to offer "fashion ingredients by our design team", being "committed to providing customers with original, high quality, and exclusive fashionable clothing at reasonable prices";
- b) the disputed domain name entirely incorporates the Complainant's well-reputed trademark with the addition of the generic term "color" inherently associated with the Complainant's products;
- c) the indication of what appears to be false contact details by the Respondent at the registration details of the disputed domain name, which prevented the courier from delivering the Center's written communication to it.

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 <mylandscolor.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: September 22, 2025