

ADMINISTRATIVE PANEL DECISION

Fashion Nova, LLC v. Zhibin Fang
Case No. D2025-3295

1. The Parties

The Complainant is Fashion Nova, LLC, United States of America (“United States” or “US”), represented by Meister Seelig & Fein LLP, United States.

The Respondent is Zhibin Fang, China.

2. The Domain Name and Registrar

The disputed domain name <fashionnova.work> (the “Disputed Domain Name”) is registered with Hefei Juming Network Technology Co., Ltd (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 15, 2025. On August 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 19, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 19, 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 the same day.

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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 15, 2025.

The Center appointed Yuzo Wada as the sole panelist in this matter on September 18, 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 one of the leading fashion companies in the United States. The Complainant is engaged in the business of apparel retail and e-commerce, established in 2006 with a strong presence and reputation online and notably on social networks.

The Complainant is the owner of many trademarks in the world, including in particular the following trademarks:

- The US trademark FASHION NOVA, No. 4,785,854, registered on August 4, 2015, for products in class 25;
- The US trademark FASHION NOVA, No. 5,328,984, registered on November 7, 2017, for products in class 25;
- The US trademark FASHIONNOVA, No. 5,886,070, registered on October 15, 2019, for services in class 35; and
- The US trademark FASHIONNOVA, No. 5,869,081, registered on September 24, 2019, for products in class 25.

The Complainant has also registered the domain name <fashionnova.com>, which contains the FASHION NOVA trademark.

The Disputed Domain Name was registered by the Respondent on July 27, 2025. The Disputed Domain Name does not resolve to any active website.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the Disputed Domain Name is confusingly similar to the Complainant's FASHION NOVA trademarks.

The Complainant alleges that the Respondent lacks any rights to or legitimate interests in the Disputed Domain Name.

The Complainant contends that the Respondent registered and is using the Disputed Domain Name in bad faith.

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 Panel further finds that the Disputed Domain Name is identical to this mark, since the Disputed Domain Name incorporates the entirety of the Complainant's trademarks. The generic Top-Level Domain ("gTLD") ".work" is typically disregarded under the confusing similarity test.

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

B. Rights or Legitimate Interests

Under the second element of the Policy, the Complainant must show that the Respondent has no rights or legitimate interests with respect to the Disputed Domain Name. The Respondent may establish a right or legitimate interest in the Disputed Domain Name by demonstrating any of the following non-exhaustive circumstances listed in paragraph 4(c) of the Policy:

- (a) that the respondent has made preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services prior to any notice of the dispute; or
- (b) that the respondent is commonly known by the disputed domain name, even if the respondent has not acquired any trademark rights; or
- (c) that the respondent is making a legitimate, noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant's trademark registrations for FASHION NOVA predate the Respondent's registration of the Disputed Domain Name which is identical to the Complainant's trademarks. The Complainant has not licensed or otherwise consented to the Respondent's use of the trademarks in connection with the Disputed Domain Name. 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 burden of production of evidence shifts to the Respondent. [WIPO Overview 3.0](#), section 2.1.

Although given the opportunity, the Respondent has not submitted any evidence in this case to demonstrate that the Respondent is the owner of any trademark rights similar to the Disputed Domain Name or that the Respondent is or has been commonly known by the Disputed Domain Name.

By not submitting a response, the Respondent has failed to invoke any circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the Disputed Domain Name. Thus, there is no evidence in the case record that refutes the Complainant's submissions, and the Panel concludes that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Based on the evidence submitted by the Complainant, the Panel finds that the Respondent registered and is using the Disputed Domain Name in bad faith.

The Panel accepts the Complainant's contention that the Complainant's trademark FASHION NOVA is well-known. The incorporation of a well-known trademark into a domain name by a registrant having no plausible explanation for doing so may be, in and of itself, an indication of bad faith (*Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#); *General Electric Company v. CPIC NET and Hussain Syed*, WIPO Case No. [D2001-0087](#); *Microsoft Corporation v. Montrose Corporation*, WIPO Case No. [D2000-1568](#); *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#)).

The Respondent is holding the Disputed Domain Name passively, as the Disputed Domain Name resolves to an inactive page.

From the inception of the UDRP, panelists have found that the non-use of a domain name, including the domain name resolving to a blank page, would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3; see also *Virgin Enterprises Limited v. Cesar Alvarez*, WIPO Case No. [D2016-2140](#). While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

The passive holding doctrine applies in this case because the Complainant's mark is highly distinctive, the Respondent failed to come forward with any evidence of a conceivable good faith use for the Disputed Domain Name, and it is implausible that the Respondent can put the Disputed Domain Name to any conceivable good faith use without infringing upon the Complainant's rights in its FASHION NOVA mark. Most likely, the Respondent registered the Disputed Domain Name with the intention of mimicking the Complainant's domain name <fashionnova.com>. The Panel finds it more likely that the Respondent selected the Disputed Domain Name with the intention of taking advantage of the Complainant's reputation by registering a domain name containing the Complainant's FASHION NOVA trademarks in their entirety with the intent to ultimately use the Disputed Domain Name for an illegitimate purpose, such as misleading Internet users for the Respondent's commercial gain. The Panel concludes that the non-use of the Disputed Domain Name does not prevent a finding of bad faith.

Noting that the Disputed Domain Name incorporates the Complainant's trademark FASHION NOVA in its entirety, that no response has been filed, and that there appears to be no conceivable good faith use that could be made by the Respondent of the Disputed Domain Name, and considering all the facts and evidence, the Panel therefore finds that the requirements of paragraph 4(a)(iii) of the Policy are also fulfilled in this case.

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 <fashionnova.work> be transferred to the Complainant.

/Yuzo Wada/

Yuzo Wada

Sole Panelist

Date: October 1, 2025