

## **ADMINISTRATIVE PANEL DECISION**

La Perla Global Management (UK) Limited v. Lowe Abbey, Abbey Lowe  
Case No. D2025-3350

### **1. The Parties**

The Complainant is La Perla Global Management (UK) Limited, United Kingdom, represented by Shoosmiths LLP, United Kingdom.

The Respondent is Lowe Abbey, Abbey Lowe, United States of America.

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

The disputed domain name <laperlaonline.com> is registered with CNOBIN Information Technology Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 20, 2025. On August 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 (Owner of Domain Name laperlaonline.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 25, 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 26, 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 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2025.

The Center appointed Rachel Tan as the sole panelist in this matter on September 24, 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 company based in the United Kingdom and is an international lingerie brand established in 1954 in Italy. The Complainant offers a range of lingerie and other clothing products under the trademark LA PERLA.

The Complainant is the owner of the LA PERLA mark in different jurisdictions. For example, European Union Trade Mark No. 000829010 for LA PERLA registered on May 19, 2000 in Classes 3, 9, 14, 16, 18, 24, 25, and 35; European Union Trade Mark No. 013259288 for LA PERLA registered on February 24, 2015 in Classes 9, 18, and 24 and European Union Trade Mark No. 015525041 for LA PERLA registered on November 30, 2017 in Classes 3, 9, 14, 18, 24, 25 and 35.

The Complainant sells and promotes its product at “www.laperla.com” which has been used since at least 1999.

The disputed domain name was registered on August 6, 2025. Based on the undisputed evidence submitted by the Complainant, the disputed domain name previously resolved to a website in English which appears to be a clone of the Complainant’s website at “www.laperla.com”. In particular, it was alleged to offer the Complainant’s products for sale at heavily reduced prices by prominently displaying the Complainant’s LA PERLA mark with the Complainant’s original product images. At the time of this Decision, the disputed domain name does not resolve to an active website.

#### **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 the disputed domain name is identical or confusingly similar to the Complainant’s LA PERLA mark. The Complainant is the owner of the LA PERLA mark, and the disputed domain name merely adds the generic term “online” to denote that products can be purchased via a website.

The Complainant further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has never been authorised to use the Complainant’s LA PERLA mark or register the disputed domain name. It is not affiliated with the Complainant in any manner. Moreover, the Complainant submitted evidence and alleged that the disputed domain name was previously operated as a website to impersonate the Complainant to sell LA PERLA products. Accordingly, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

Finally, the Complainant argues that the disputed domain name was registered and is being used in bad faith. The disputed domain name was registered primarily for the purpose of disrupting the business of the Complainant. By using the disputed domain name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent’s website by creating a likelihood of confusion with the Complainant’s mark as to the source of the Respondent’s website.

## **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. 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, "online", 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.

Lastly, it is permissible for the Panel to disregard the applicable generic Top-Level Domain ("gTLD") in the disputed domain name, i.e., ".com". [WIPO Overview 3.0](#), section 1.11.1.

Based on the available information, 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 Respondent has not provided evidence of a legitimate noncommercial or fair use of the disputed domain name or reasons to justify his or her choice of the disputed domain name that is confusingly similar to the Complainant's LA PERLA mark. Further, there is no indication to show that the Respondent is commonly known by the disputed domain name or otherwise has rights or legitimate interests in any of them.

In addition, the Complainant has not granted the Respondent a license or authorisation to use the Complainant's LA PERLA mark or register the disputed domain name.

At the time of this Decision, the disputed domain name resolves to an inactive page. Based on the undisputed submission and evidence provided by the Complainant, the disputed domain name previously resolved to a website which allegedly attempted to impersonate the Complainant, purportedly offered products at heavily reduced prices and displayed the Complainant's LA PERLA mark. The website did not accurately and prominently disclose a lack of a relationship between the Complainant and the Respondent. Therefore, the facts do not support a claim of a bona fide offering of goods or services under the "Oki Data test". See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Furthermore, the nature of the disputed domain name, comprising the Complainant's LA PERLA mark with the addition of the dictionary term "online", carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

None of the circumstances in paragraph 4(c) of the Policy are present in this case. For these reasons, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

Based on the available information, 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 disputed domain name was registered 25 years after the first registration of the Complainant's LA PERLA mark recorded under section 4. Search results using the key words "la perla" on search engines direct Internet users to the Complainant and its business, which indicates that an exclusive connection between the mark and the Complainant has been established. The Panel notes that the disputed domain name previously resolved to a website that displayed the Complainant's mark and original photos of the Complainant's products. As such, the Respondent clearly knew of the Complainant's marks when registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Furthermore, the Panel considers the mere registration of a domain name that is confusingly similar to a well-known trademark by an unaffiliated person can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Panel notes that the disputed domain name previously resolved to a website purportedly offering LA PERLA branded products and displayed the Complainant's LA PERLA marks. The disclaimer that the Respondent is not affiliated with the Complainant is absent. The Panel is satisfied that the Respondent intentionally created a likelihood of confusion with the Complainant's LA PERLA mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This demonstrates bad faith registration and use of the disputed domain name, as provided in paragraph 4(b)(iv) of the Policy.

In addition, the Panel finds that the current non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's LA PERLA mark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Given all the circumstances of the case, the Panel finds that the Respondent must have known of the Complainant before registering the disputed domain name, and considering the Respondent's lack of rights or legitimate interests, and by registering and using the disputed domain name as discussed above as well

as continuing to hold the disputed domain name, the Panel is led to conclude that the disputed domain name was registered and is being used in bad faith.

Based on the available records, 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 <laperlaonline.com> be transferred to the Complainant.

*/Rachel Tan/*

**Rachel Tan**

Sole Panelist

Date: October 7, 2025