

ADMINISTRATIVE PANEL DECISION

John House v. Evelina Buliga
Case No. D2025-3858

1. The Parties

The Complainant is John House, United States of America ("United States"), self-represented.

The Respondent is Evelina Buliga, Latvia.

2. The Domain Name and Registrar

The disputed domain name <lescavespdx.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 22, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. The Complainant sent an email communication to the Center on September 23, 2025. On September 23, 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 (Registration Private, Domains By Proxy, LLC, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 26, 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 September 26, 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 October 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on October 22, 2025.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on October 30, 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.

On November 12, 2025, the Panel issued Administrative Procedural Order No. 1, inviting the Complainant to provide evidence of instructions to or contracts with a consultant identified by the Complainant as the previous registrant and of claimed use of the purported LES CAVES PDX mark in commerce, and to comment or provide evidence regarding these matters, in particular regarding the date of registration of the disputed domain name by the Respondent.

The Complainant was requested to provide any submissions by November 18, 2025. It provided them on November 14, 2025. The Respondent was requested to provide submissions by November 22, 2025, but no submissions were received.

4. Factual Background

The Complainant is a private individual who is, or was, the owner of two companies (Ovum Wines LLC and Les Caves PDX LLC) through which it operated a wine bar in Portland, Oregon, United States called “Les Caves PDX”. According to publicly available information,¹ the wine bar operated approximately from 2017 to 2024. The Complainant claims unregistered trademark rights in the LES CAVES PDX mark and offers evidence of use in commerce of this mark, including an online restaurant review and screen shot of the restaurant website.

The disputed domain name was first registered on April 28, 2017, and, later came to be transferred or at least controlled by the Respondent. At the time of the Complaint and of this Decision, it resolved to a website featuring advertisements for an online casino. The record contains evidence that it previously was used for the Les Caves PDX wine bar website.

According to the Complaint, the disputed domain name was originally registered by a consultant in his own name. The record indicates that the consultant was receiving consulting fees from the Complainant’s business in at least 2017 and 2022.

The Respondent is a private individual with an address in Latvia. The record does not contain any information about the Respondent nor about the circumstances of the transfer the disputed domain name to her, and no response was filed by the Respondent.

On September 19, 2025, the Complainant informed the Registrar that the original disputed domain name registrant had changed access credentials without his permission and requested recovery of the account. The record does not reflect any further communication.

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.

¹ Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they 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.

Notably, the Complainant contends that it has used the mark LES CAVES PDX in connection with bar/restaurant services in Portland, Oregon since 2017. The disputed domain name is identical to its unregistered trademark. The original registrant of the disputed domain name was a consultant who was not authorized by the Complainant to register or hold the disputed domain name in his personal registrar account. The Respondent is not commonly known by the mark LES CAVES PDX and has no rights in this mark based on his previous association with the Complainant nor on any other basis. The disputed domain name was registered and retained to block the Complainant's use of it. The Respondent has withheld access to the disputed domain name from the Complainant to disrupt his business. The Complainant has continued to pay for website hosting despite not being able to access the e-mail address associated with the disputed domain name.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

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 Panel finds that the record contains evidence that the unregistered service mark LES CAVES PDX has been used in commerce as a designation of source at least during the time period 2017-2024. The Panel further finds that the entirety of the mark is reproduced within the disputed domain name.

The available evidence does not permit the Panel to make a clear determination on the first element, however.

First, the record is unclear on whether the LES CAVES PDX mark was used in commerce at the time of filing of the Complaint. While the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed. [WIPO Overview 3.0](#), section 1.1.3. According to publicly available information, the wine bar in question had been closed for approximately a year by the time of filing of the Complaint. The record lacks evidence that the mark was in use at the time of the Complaint. The extent of unregistered trademark rights following the cessation of use in commerce is a question beyond the scope of these Proceedings.

Second, the record also does not provide any evidence as to whether and how the Complainant, a private individual, became the right-holder of a mark used by his business or businesses, both limited liability companies. The Panel notes that establishing the identity of the Complainant is essential for the correct

application of the remedy available in UDRP proceedings. The Panel finds that the record does not provide sufficient evidence to establish that the Complainant himself is the right-holder with a clear claim to the disputed domain name.

Under these circumstances, the Panel does not make a finding on the first element.

B. Rights or Legitimate Interests

Having reviewed the available record, the Panel infers that Respondent lacks rights or legitimate interests in the disputed domain name but is unable to reach a definitive determination on this element.

C. Registered and Used in Bad Faith

While the present matter is not without doubt, on balance and on the basis of the Complaint and discrepancies therein, the Panel is of the view that the Complainant has failed to substantiate the Respondent's bad faith registration.

According to the Complaint, the disputed domain name was originally registered by a consultant in his own name in 2017. For several years thereafter, it was used for a website connected to the Complainant's wine bar in Portland, Oregon. At some point after 2022, the business relationship between the Complainant and the original registrant ended. At some point the Complainant lost access to the disputed domain name and this Complaint ensued.

Despite the Panel's request to provide additional information, the record remains unclear regarding the circumstances of the original registration of the disputed domain name. The Complaint states, in relevant part:

"The Complainant has not authorized the Respondent to register or hold the LES CAVES PDX domain in the Respondent's personal registrar account.

[...]

The domain was registered on April 28, 2017 (Annex 2, WHOIS) while the Respondent was acting in an operational/consulting capacity for the Complainant and with inside knowledge of the chosen LES CAVES PDX identifier used for the Complainant's bar operations at the leased premises (Annex 3). The Respondent registered the company's primary domain into his personal GoDaddy account without authorization from the Complainant."

The record contains no evidence to substantiate these allegations. There is evidence that the original registrant was paid by the Complainant's business for consulting services, but no evidence of what those duties entailed or what instructions were given regarding the disputed domain name. There is evidence that the Complainant's business paid to maintain the website hosting service, but not that it paid to register or maintain the disputed domain name registration at any time. The disputed domain name was used for the Complainant's business for several years with the Complainant's knowledge and approval.

In light of the extensive evidence provided on other issues (a lease agreement for premises, copies of a tax filing and bookkeeper statement, corporate registration certificate, etc.), the silence on this central issue raises many questions. Under what circumstances was the disputed domain name registered in 2017? Were there other conditions in the business relationship? Is there a broader dispute between these or other parties? Why does the Complainant request that the disputed domain name should be transferred to him personally, rather than to a company that had operated the business using the mark?

UDRP Panels have tended to find that the transfer of a disputed domain name amounts to a fresh registration. [WIPO Overview 3.0](#), section 3.9. If the disputed domain name had originally been registered in bad faith, a transfer to a third party under the cover of a privacy service (as is the case here) could support an inference of bad faith for the Respondent to rebut.

In this case, however, the Complainant has not established that the original registrant acted in bad faith. Moreover, at the moment that the disputed domain name was transferred to or obtained by the Respondent (at least by September, 2025), the Complainant's wine bar by that name was apparently no longer in operation. The Complainant does not assert rights after 2024, nor is there any available information that would support an inference that such rights existed. The Complaint does not address the Respondent at all. The record therefore does not support a clear finding that the Respondent acted in bad faith when registering the disputed domain name in 2017, nor that the ensuing transfer of the disputed domain name in 2025 was in bad faith insofar as the Complainant seems to have been out of business at that time. Consequently, the Panel expresses no view on whether the use of the disputed domain name constitutes bad faith.

The Panel notes that the Complainant is self-represented. The Panel further notes that the Respondent did not provide any response. However, such circumstances do not mean that the Panel must accept the Complainant's unsupported contentions which in any event leave as many questions as answers.

The circumstances at hand are sufficiently ambiguous, with discrepancies and grey areas that the Panel finds that it is unable to reasonably consider that the Complainant has established a prima facie case that the Respondent acted in bad faith.

The Panel denies the Complaint on the basis of the failure of the Complainant to establish the first and third elements, and notes that the dispute between the parties exceeds the relatively limited "cybersquatting" scope of the UDRP, and would be more appropriately addressed by a court of competent jurisdiction. [WIPO Overview 3.0](#), section 4.14.6. See also *The Thread.com v. Jeffrey s. Poploff*, WIPO Case No. [D2000-1470](#) and *ADDINOL Lube Oil GmbH v. Vladimir Zozulia, Xado Ltd*, WIPO Case No. [D2025-3127](#).

Under these circumstances, and in light of the ambiguity related to the first element, the Panel is unable to find that the third element of the Policy has been clearly established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: December 3, 2025