

## **ADMINISTRATIVE PANEL DECISION**

Space NK Limited v. Mela Hierro

Case No. D2025-4388

### **1. The Parties**

The Complainant is Space NK Limited, United Kingdom ("UK"), represented by Carpmaels & Ransford LLP, UK.

The Respondent is Mela Hierro, United States of America ("US").

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

The disputed domain name <spacenkofficial.com> is registered with West263 International Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 24, 2025. On October 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 28, 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 October 30, 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 November 3, 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 November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 3, 2025.

The Center appointed Tommaso La Scala as the sole panelist in this matter on December 16, 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 in this administrative proceeding is Space NK Limited, a well-known retailer of luxury beauty products, operating under the SPACE NK brand. The Complainant operates a website at “[www.spacenk.com](http://www.spacenk.com)”.

The Complainant owns several registrations for SPACE NK, including:

- US Registration No. 3005401 SPACE NK, registered on October 11, 2005;
- US Registration No. 7658397 SPACE NK (device), registered on January 21, 2025;
- European Union Registration No. 003329364 SPACE NK, registered on February 7, 2005;
- European Union Registration No. 018961560 SPACE NK (device), registered on April 2024;
- UK Registration No. 2341330 SPACE NK, registered on January 23, 2004; and
- UK Registration No. 3989423 SPACE NK (device), registered on March 8, 2024

The disputed domain name was registered on May 28, 2025, and it has been used to fraudulently impersonate the Complainant through a website prominently displaying the Complainant's logo, mimicking the layout, look and feel of the Complainant's official 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:

- (a) the disputed domain name is confusingly similar to the Complainant's trademarks;
- (b) the Respondent lacks any rights or legitimate rights in the disputed domain name; and
- (c) the Respondent registered and is using the disputed domain name in bad faith, namely for impersonating the Complainant in order to mislead Internet user for undue commercial purposes.

##### **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 established rights in the SPACE NK trademark.

The disputed domain name consists of the SPACE NK trademark with the sole addition of the wording “official”: this Panel agrees with the Complainant’s assertion that the Complainant’s mark is recognizable within the disputed domain name.

Therefore, the Panel finds the disputed domain name to be confusingly similar to the SPACE NK trademark in which the Complainant has rights.

Accordingly, 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.

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. As a matter of fact, the Respondent does not appear to be commonly known by the name “Space NK” and/or any similar name. The Respondent has no connection to or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. Lastly, the Respondent has used the disputed domain name to illicitly impersonate the Complainant through a fake website.

Having reviewed the available record and considering that 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 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.

The Complainant has documented that the Respondent has purposely registered and used the disputed domain name to attempt to defraud others by impersonating the Complainant’s official website. This conduct is, in the Panel’s view, sufficient to show that the Respondent not only knew of the Complainant and its trademarks, but intentionally intended to divert Internet users.

The Panel finds that the Respondent’s use of the disputed domain name constitutes a disruption of the Complainant’s business and qualifies as bad faith registration and use under the Policy.

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

## 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 <spacenkofficial.com> be transferred to the Complainant.

*/Tommaso La Scala/*  
**Tommaso La Scala**  
Sole Panelist  
Date: December 29, 2025