

ADMINISTRATIVE PANEL DECISION

Maesa LLC v. Nina Zhang

Case No. D2025-4641

1. The Parties

The Complainant is Maesa LLC, United States of America (“United States”), represented by Dorf Nelson & Zauderer LLP, United States.

The Respondent is Nina Zhang, China.

2. The Domain Name and Registrar

The disputed domain name <finerysperfume.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 7, 2025. On November 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 11, 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 (Finery@Perfume / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 13, 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 13, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 10, 2025.

The Center appointed Jane Seager 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 is a United States-based company operating in the beauty and personal care industry. Since October 2022, the Complainant has offered a line of perfume products under the brand FINE'RY. These products are sold exclusively via the Target retail stores and via the website "www.target.com".

The Complainant is the owner of trademark registrations for FINE'RY, including:

- United States Trademark Registration No. 7147298, FINE'RY, registered on August 22, 2023; and
- International Trademark Registration No. 1795788, FINE'RY, registered on April 24, 2024.

The disputed domain name was registered on October 10, 2025. The registration information for the disputed domain name indicates that the Respondent is based in China.

The disputed domain name resolves to a website (the "Respondent's website") that provides information about products bearing the Complainant's FINE'RY trademark, including products that are labelled with the Complainant's specific product names, such as "Pistachio Please" and "Without a Trace". The Respondent's website lists a contact address in Seattle, Washington, United States.

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.

The Complainant asserts rights in the FINE'RY trademark. The Complainant submits that the disputed domain name is confusingly similar to its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant argues that the Respondent is using the disputed domain name to attract Internet users to its website where goods bearing the Complainant's trademark, but that have no connection with the Complainant, are promoted. The Complainant submits that the misuse of its trademark in this way is not legitimate.

The Complainant submits that the Respondent registered and is using the disputed domain name in bad faith. The Complainant submits that the Respondent registered the disputed domain name because of its resemblance to the Complainant's trademark and is using it to create a false impression of association with the Complainant. The Complainant asserts that the Respondent's website promotes fragrances under the Complainant's trademark, including fragrances that are not authorized by the Complainant as well as goods that display the Complainant's specific product names, implying that the Respondent's website and the goods promoted therein are affiliated with the Complainant.

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

In order to prevail in its Complaint, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was registered and is being used in bad faith.

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 Panel finds that the Complainant has shown rights in respect of the FINE'RY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name is composed of the Complainant's FINE'RY trademark, altered only by the omission of the apostrophe, followed by the letter "s" and the term "perfume". Notwithstanding the omission of the apostrophe, the Panel finds that the Complainant's trademark is clearly recognizable in the disputed domain name. [WIPO Overview 3.0](#), section 1.7. The addition of the letter "s" and the term "perfume" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. See also *Interparfums SA v. Amr sarairah, Rochasperfume*, WIPO Case No. [D2023-0698](#).

The Panel finds the disputed domain name to be confusingly similar to the Complainant's FINE'RY trademark. 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.

As noted above, the Complainant has established trademark rights in FINE'RY, predating the Respondent's registration of the disputed domain name, used in connection with the sale of its perfume products. The Complainant's products are sold exclusively through Target retail stores and the "www.target.com" website. The Complainant has not authorized the Respondent to use its FINE'RY trademark in any manner.

The disputed domain name resolves to a website that prominently features the Complainant's FINE'RY trademark, as well as the Complainant's specific product names, such as "Pistachio Please" and "Without a Trace". While the Respondent's website does not appear to be selling products per se, it provides information about products bearing the Complainant's mark in a manner that is nonetheless misleading. The Complainant has further alleged that certain goods promoted via the Respondent's website under the Complainant's FINE'RY trademark are not, in fact, offered by the Complainant. There is no evidence in the record that the Respondent is an authorized distributor, licensee, or otherwise affiliated with the Complainant. The Complainant has expressly denied any such connection. The Panel notes that the Respondent's website does not contain any disclaimer clarifying its non-affiliation with the Complainant. Moreover, the composition of the disputed domain name, which incorporates the Complainant's trademark in its entirety along with the descriptive term "perfume", carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The Panel therefore finds that the Respondent's use of the disputed domain name, as described above, is likely to mislead consumers into believing that the Respondent's website is an official website of or otherwise affiliated with the Complainant. Such use does not amount to a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy.

The Panel further notes that the Respondent's website does not qualify as a legitimate fan site. For a respondent's fan site to support rights or legitimate interests, it must be active, genuinely noncommercial, and clearly distinct from any official complainant site. The Respondent's website does not meet these criteria. The Respondent's use of the disputed domain name in a manner that is likely to mislead Internet users as to the source of the disputed domain name and the Respondent's website does not support a claim of legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii) of the Policy.

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 Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that the Complainant's FINE'RY trademark was in use and had achieved a measure of commercial recognition prior to the registration of the disputed domain name, the Complainant's products, offered exclusively through Target retail stores and the "www.target.com" website, having been marketed under the Complainant's FINE'RY trademark since October 2022.

The disputed domain name incorporates the Complainant's FINE'RY trademark in its entirety, with only minor alterations. The Respondent's website features the Complainant's trademark and specific product names, promoting various products bearing the Complainant's trademark. There is no evidence that the Respondent is an authorized distributor or otherwise affiliated with the Complainant. The Respondent's website does not contain any disclaimer of affiliation, and the use of the Complainant's trademark and product names on the Respondent's website in the manner described above is likely to create a false impression of association with the Complainant.

It is clear that the Respondent registered the disputed domain name with knowledge of the Complainant's FINE'RY trademark and did so with a view to creating a website aimed at misleading Internet users into believing that the Respondent's website was operated by or otherwise affiliated with the Complainant. The Panel notes that the Respondent has provided no explanation for its registration and use of the disputed domain name, nor has it responded to the Complainant's contentions.

In light of the above, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith. The Panel finds that 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 <finerysperfume.com> be transferred to the Complainant.

/Jane Seager/

Jane Seager

Sole Panelist

Date: December 22, 2025