

ADMINISTRATIVE PANEL DECISION

Giuseppe Mellia Jr. v. Daniel Wegman
Case No. D2026-0397

1. The Parties

Complainants are Giuseppe Mellia Jr. and Mellia Enterprises LLC dba Gates Liquor, United States of America (“United States”), represented by Evans Fox LLP, United States.

Respondent is Daniel Wegman, United States, self-represented.

2. The Domain Names and Registrar

The disputed domain names <gatesliquorandwine.com>, <gates-liquor.com>, <gatesliquor.com>, <gatesliquor.info>, <gatesliquor.net>, <gatesliquor.store>, <gatesliquorstore.com>, and <gatesliquor.xyz> (the “Domain Names”) are registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 30, 2026. On February 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On February 5, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names, which differed from the named Respondent (Unknown (WHOIS privacy protected)) and contact information in the Complaint. The Center sent an email communication to Complainant on February 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 6, 2026.

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 Respondent of the Complaint, and the proceedings commenced on February 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2026. The Response was filed with the Center on February 24, 2026. Complainant submitted a supplemental filing with the Center on March 4, 2026.

The Center appointed Christopher S. Gibson as the sole panelist in this matter on March 2, 2026. 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

Complainants operate a retail liquor store named “Gates Liquor” in Rochester, New York. Complainants state the business traces its origins to approximately 2000 and has operated continuously at the same location, with a transfer of ownership from father to son in 2025. Complainants’ goods and services feature alcoholic beverages, including wine, distilled spirits, cider, mead, and related “package store” products.

The evidence indicates the store was originally owned by Giuseppe Mellia dating from the year 2000. In February 2025, he transferred the liquor store to his son, Giuseppe Mellia Jr., who had created Mellia Enterprises LLC as a legal entity to be the successor-in-interest for the liquor store with the trade name “Gates Liquor.” Complainants state they have all of the rights of the prior operator of the business, including the right to continue to use the trade name and common law trademark. The current liquor license is issued to:

“Mellia Enterprises LLC
Gates Liquor”

Respondent registered eight Domain Names incorporating the term “gates liquor” (with variations) between June 7 and 24, 2025. The Domain Names linked to websites that contained information from Complainant’s Google Business listing and at time redirected to a website at “www.boozyswinespirits.com.”

The record reflects that the parties were involved in a dispute prior to the Domain Name registrations and the initiation of this case. Giuseppe Mellia Jr. of Gates Liquor had filed a Notice of Trespass Warning on May 31, 2025, against Respondent with the Gates Police Department.

5. Supplemental Filing

On March 4, 2026, Complainants submitted a supplemental filing noting that Respondent’s Response raises new factual assertions and mischaracterizations concerning ownership succession, the existence of common law trademark rights, and alleged timing issues concerning Domain Name registration. Complainants maintain these matters need clarification and the supplemental filing is narrowly tailored to address them.

The Panel observes that paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of supplemental filings (including further statements or documents) received from either party. In this case, the Panel finds that Complainants’ supplemental filing is narrowly tailored to address arguments and factual assertions raised in the Response. The submission provides helpful explanation and supporting evidence that assist the Panel in resolving this case. The Panel is satisfied that consideration of this filing contributes to a fair and efficient resolution of the dispute, and accordingly admits the supplemental filing.

6. Parties’ Contentions

The Panel summarizes the Parties’ contentions as they relate to the three elements of the Policy, omitting extraneous material. Relevant points from Complainants’ supplemental filing are incorporated where appropriate in Complainants’ contentions.

A. Complainant

(i) Identical or confusing similarity

Complainants assert common law trademark rights in the “Gates Liquor” trade name based on longstanding operation of a liquor store business at the same location; continuous use of the trade name in commerce for over two decades; and recognition in the local community where the liquor store is located. The evidence supporting these rights includes:

- Valid business licenses issued since 2000 to Complainant and its predecessor (Complainant Giuseppe Mellia Jr.’s father).
- Invoices, receipts, and other business records documenting continuous trade.
- Online business listings (Google Business Profile, Yelp, Facebook, Instagram) showing consistent branding.
- Local newspaper advertisements and community sponsorships under the “Gates Liquor” name.

Complainants state UDRP panels have consistently recognized that such evidence establishes rights in a mark even absent formal registration.

Regarding the transfer of the business from father to son in 2025, Complainants contend that common law rights transfer with goodwill where the successor continued the same business under the same name. Respondent’s attempt to exploit corporate formalities is legally frivolous. Complainants are successors to the same business in the same location. The name the business is known by to the local community has not changed and no changes were made the business signage in the transfer of the business from father to son.

While Respondent repeatedly argues “Gates” and “Liquor” are generic, Complainants state this argument ignores the dispositive inquiry: whether the name has acquired distinctiveness identifying a particular source. For over two decades, “Gates Liquor” has identified one specific retail store on Spencerport Road, Rochester, New York. Respondent offers no evidence of third-party use within the same locality sufficient to negate distinctiveness. Rather, Complainants submit Respondent attempts to confuse the issue by pointing to other businesses in other states or localities with similar names.

Each Domain Name incorporates the “Gates Liquor” name in full or with trivial variations. Complainant contends that under UDRP precedent, the addition of generic terms (“store,” “and wine”), hyphenation, or different Top-Level Domains (“TLDs”) does not prevent a finding of confusing similarity. Here, the Domain Names either reproduce the mark exactly (e.g., <gatesliquor.com>) or add descriptive suffixes that reinforce association with Complainants’ business (e.g., <gatesliquorstore.com>). Consumers encountering these Domain Names are likely to assume affiliation, sponsorship, or ownership by Complainants.

Complainants contend the risk of confusion is heightened because the Domain Names are used to redirect traffic to competitors, misleading consumers into believing they are dealing with Gates Liquor; the sites linked to the Domain Names copy text from Complainants’ verified Google Business listing, impersonating brand identity; and the Domain Names exploit the goodwill built over decades, diverting customers seeking Complainants’ business and customers. Complainants assert UDRP panels have consistently held that such use demonstrates confusing similarity and infringement of Complainants’ rights.

Accordingly, Complainants conclude the Domain Names are identical or confusingly similar to Complainants’ common law trademark, GATES LIQUOR, satisfying Paragraph 4(a)(i) of the Policy.

(ii) Rights or legitimate interests

Complainants contend Respondent lacks rights or legitimate interests in the Domain Names. Respondent owns no business selling alcoholic beverage, has no licenses to legally traffic in the sale of alcoholic beverages and has merely used the Domain Names in bad faith and for improper and illegal purposes.

Complainants state Respondent has never been authorized, licensed, or permitted to use the “Gates Liquor” name. There is no contractual, business, or personal relationship between the Parties that would justify Respondent's use. Further, Complainants contend Respondent is not commonly known by any of the Domain Names. The Whois records show privacy masking, and no evidence suggests Respondent operates a legitimate business under the “Gates Liquor” name.

Complainants assert the Domain Names – each of which incorporates the trade name “Gates Liquor” by which Complainants are commonly known by customers, suppliers, and the general public – are not used for bona fide offering of goods or services. Instead, they redirect users to a competing liquor store; impersonate Complainants' business by copying official text; and create confusion and reputational harm. Complainants argue UDRP panels have held that redirection to competitors sites negates any claim of legitimate interest.

Finally, Complainants submit Respondent cannot claim noncommercial or fair use; instead, the Domain Names are used for commercial gain, disruption, and retaliation, not commentary or criticism.

Complainants conclude that Respondent lacks rights or legitimate interests under Paragraph 4(a)(ii).

(iii) Registered and used in bad faith

Complainants contend their common law rights have existed for over 25 years as they and their predecessor-in-interest have been operating a bona fide “brick and mortar” liquor store named “Gates Liquor” in the same location over this period. Respondent's registration of the Domain Names followed a civil legal dispute between the Parties. The Domain Names were registered in June 2025, days after Complainants issued a trespass notice to Respondent. This timing strongly suggests a retaliatory motive. Complainants contend UDRP panels have recognized retaliatory registrations as evidence of bad faith.

Complainants claim the Domain Names have been used to host defamatory content while redirecting the Domain Names to a competitor's website. The Domain Name <gatesliquor.com> initially hosted defamatory content impersonating Complainants' business – the site copied text from Complainants' Google Business listing. Later, all Domain Names were redirected to a competitor's website, causing confusion and harm. This conduct demonstrates intentional disruption and commercial diversion. Further, Complainants assert such centralized control by Respondent confirms unified bad faith intent. Complainants conclude that Respondent registered and used the Domain Names in bad faith.

B. Respondent

Respondent argues the Complaint is filled with mis-cited case precedent, contradictions, unsubstantiated allegations, and circumstantial speculation with no other function than to harass and harm Respondent and take his intellectual property.

(i) Identical or confusing similarity

Respondent contends the Domain Names are not identical or confusingly similar to a trademark in which Complainants have rights. In particular, Respondent states Complainants do not have a registered trademark for the words “Gates,” “Liquor,” “Store,” “Gates Liquor,” “Gates-liquor store,” “Gates liquor and wine,” or “Gates Liquor Store.” Further, Respondent submits Complainants have submitted no evidence that would satisfy a common law trademark claim to “Gates liquor.” Further, Respondent states Complainants have not referenced any UDRP precedent related to common law trademarks, although claiming to; instead, Complainants have provided an incorrection citation to a case.

Respondent contends in cases involving unregistered or common law marks that are comprised of solely descriptive terms which are not inherently distinctive, there is a greater onus on a complainant to present evidence of acquired distinctiveness and secondary meaning. Here, Respondent contends Complainants have failed to provide evidence of consistent marketing under the name “Gates Liquor,” and failed to submit

proof of the use of “Gates Liquor” in their marketing, advertising or commerce dated before June 2025 when the Domain Names were registered. Respondent argues alternatively that Complainants have failed to show continuous and consistent use of the alleged mark, asserting changes in branding and identifiers.

(ii) Rights or legitimate interests

Without evidence of Complainants consistently using, maintaining, and defending the name “Gates Liquor” and lack of a registered trademark or incorporation under any of the Domain Names, Respondent contends there is no reason to believe the terms comprising the Domain Names are not in the public domain and therefore eligible to be used in the free market as registered domain names. Respondent claims the value of the Domain Names derives from their generic qualities, which establishes his legitimate interest. Further, the general terms including “gates,” “liquor,” “wine,” and “store” are common words that hold weight in search engine optimization. Respondent contends any liquor store in the town of “Gates” could find value in receiving organic search results associated with the fair use of these generic terms in different variations for additional domain names.

(iii) Registered and used in bad faith

Respondent denies any bad faith registration or use. Respondent states he has never tried to sell the Domain Names to Complainant or to anyone else for profit, and Complainants have never asked to purchase any of the Domain Names from Respondent. Further, Respondent states he did not register the Domain Names to block Complainants and has never shown a pattern of bad faith registration. Complainants’ evidence demonstrates that Respondent is an IT professional and not a competitor of Complainants. In addition, Complainants have failed to demonstrate how “www.boozyswinespirits.com” (to which the Domain Names for a time re-directed) is a competitor. Respondent claims it is simply a Gates liquor store with an active web presence.

Respondent acknowledges as per Complainants’ evidence that Respondent registered the Domain Names over a 17-day period from June 7, 2025, to June 24, 2025. Respondent states, however, that this allowed Complainants adequate time to register any of the Domain Names that they wished to claim for future use, but they did not.

Respondent contends that the individual hired by Complainants to investigate and substantiate allegations against Respondent was not hired to conduct a fair investigation to find the truth. Instead, he conducted a campaign to harass and to take property that rightfully belongs to Respondent, stating conclusions that are misleading, inaccurate, and libelous.

Respondent claims Complainants have failed to produce evidence that they have any legal claim, let alone exclusive established rights, to the Domain Names. Complainants’ use of four different business names – “Gates Liquor,” “Gates Liquor Store,” “Gates Liquor and Wine,” and “Mellia Enterprises LLC” – has contradicted any claim of common law trademark rights.

Respondent further contends that Complainants’ own evidence reflects significant inconsistencies over time, including multiple business addresses, different business names, and changes in ownership. According to Respondent, this lack of continuity undermines any claim to common law trademark rights by creating confusion and diluting any alleged goodwill. In addition, Respondent asserts that public records show Complainant obtained a liquor license under the name “Gates Liquor” only in January 2026, several months after the Domain Names were registered. Respondent argues that this demonstrates both a distinction between “Gates Liquor” and “Gates Liquor Store” and an apparent shift in branding after the Domain Name registrations at issue.

For these reasons, Respondent requests that the Panel reject Complainants’ claims and consider a finding of Reverse Domain Name Hijacking.

7. Discussion and Findings

In order to succeed on its Complaint, Complainant must demonstrate that the three elements set forth in paragraph 4(a) of the Policy have been satisfied. These elements are that:

- (i) the Domain Name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) Respondent has registered and is using the Domain Name in bad faith.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the same domain name holder registers the domain names. In this case, there is no dispute that Respondent registered all the Domain Names.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

A key issue in this case is whether Complainants have established common law rights in the GATES LIQUOR trademark. [WIPO Overview 3.1](#), section 1.3, provides relevant guidance: "To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services." Moreover, "the fact that secondary meaning may only exist in a particular geographical area or market niche does not preclude the complainant from establishing trademark rights (and as a result, standing) under the UDRP." Id.

Here, the Panel finds that Complainants have established common law rights in the mark GATES LIQUOR. Based on the entire record, the evidence demonstrates continuous commercial use of the "Gates Liquor" trade name by Complainants and their predecessor-in-interest over a significant period through the operation of a local retail business under that name. Moreover, Complainants have offered sufficient evidence of recognition of the trade name in the relevant local community. The record demonstrates that Complainants and their predecessor-in-interest used the "Gates Liquor" name in commerce for over two decades, supported by documentary evidence including assumed name filings, vendor invoices, Instagram and Facebook pages, Google reviews, advertising, and the store signage, which has always displayed "Gates Liquor." On balance, the evidence establishes continuous commercial use and supports a finding that the mark has acquired distinctiveness in the relevant locality, giving rise to common law trademark rights. In addition, the Panel accepts that common law trademark rights may be asserted by a successor-in-interest where the underlying business and its associated goodwill have been transferred to the successor-in-interest, which has continuously operated the business (without interruption) under the same common law mark.

The Panel observes that each Domain Name incorporates the GATES LIQUOR mark in its entirety, with only minor additions such as hyphen, descriptive terms ("store," "and wine"), or different generic Top-Level Domains ("gTLDs"). These variations do not prevent a finding of confusing similarity.

Accordingly, the Panel determines the Domain Names are identical or confusingly similar to the GATES LIQUOR mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that 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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds that Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names, which Respondent has failed to adequately rebut. The Panel finds Respondent is not commonly known by the name “Gates Liquor;” that Respondent operates no liquor business and holds no relevant license; that there is no evidence of bona fide offering of goods or services; and that Respondent’s registration of the multiple Domain Names corresponding to Complainants’ business and mark, shortly after Complainants’ filed a trespass notice against Respondent, weighs against legitimacy. Respondent’s assertions regarding genericness of the words comprising the Domain Names do not, on this record, establish a right or legitimate interest in the Domain Names, which are identical or confusingly similar to Complainants’ GATES LIQUOR mark.

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

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that Complainants demonstrate Respondent registered and is using the Domain Name in bad faith. UDRP paragraph 4(b) provides that any one of the following non-exclusive scenarios constitutes evidence of a respondent’s bad faith:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location.

Moreover, [WIPO Overview 3.1](#), section 3.1, states, “bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark.”

For the reasons discussed under this and the preceding heading, the Panel considers that Respondent’s conduct in this case constitutes bad faith registration and use of the Domain Names within the meaning of the Policy. Based on the entire record in this case, the Panel finds, on the preponderance of the evidence, that Respondent was aware of Complainants and their GATES LIQUOR trademark, and targeted that mark, when registering the Domain Names. Respondent registered the eight Domain Names incorporating

Complainants' mark within a short period after a dispute between the Parties, and the evidence indicates Respondent is located in the same local area where Complainants operate their store. This pattern strongly indicates targeting.

Further, Respondent's registration of the Domain Names appears to be a retaliatory tactic used to disrupt Complainants' business. [WIPO Overview 3.1](#), section 3.1 provides in relevant part that "the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, [and] even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to the complainant's trademark would also satisfy the complainant's burden." This appears to be the case here where Respondent has used the Domain Names to disrupt Complainants' business and cause confusion. Further, [WIPO Overview 3.1](#), section 3.1.2 provides guidance that a pattern of bad faith conduct preventing a trademark holder from reflecting its mark in a domain name "may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner; these separate registrations may be brought in a single case." Respondent has provided no plausible explanation for registering the multiple Domain Names other than to create problems for Complainants. The record indicates that the Domain Names were used in a manner that interfered with Complainants' business and created confusion.

Accordingly, the Panel finds that Complainants have established the third element of the Policy.

D. Reverse Domain Name Hijacking

In light of the Panel's findings in favor of Complainants, there is no basis to conclude that the Complaint was brought in bad faith, and the Panel therefore declines to find Reverse Domain Name Hijacking.

8. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names <gatesliquorandwine.com>, <gates-liquor.com>, <gatesliquor.com>, <gatesliquor.info>, <gatesliquor.net>, <gatesliquor.store>, <gatesliquorstore.com>, and <gatesliquor.xyz> be transferred to Complainants.

/Christopher S. Gibson/

Christopher S. Gibson

Sole Panelist

Date: April 3, 2026