

## **ADMINISTRATIVE PANEL DECISION**

Petunia Products, Inc. d/b/a Billion Dollar Beauty and Billion Dollar Brows v.  
Daniel Decker  
Case No. D2026-0739

### **1. The Parties**

Complainant is Petunia Products, Inc. d/b/a Billion Dollar Beauty and Billion Dollar Brows, United States of America (“United States”), represented by Katz Ruby & Carle LLP, United States.

The Respondent is Daniel Decker, United States, represented by Greenberg Traurig, LLP, United States.

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

The disputed domain name <raisingbrowsbook.com>, and <raisingbrowslive.com> 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 February 20, 2026. On February 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 23, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on February 26, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on March 2, 2026.

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 Respondent of the Complaint, and the proceedings commenced on March 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 24, 2026.

On April 2, 2026, the Center preliminarily appointed Georges Nahitchevansky as panelist in this matter. On April 4, 2026, attorneys representing Respondent filed a request to extend the time to submit a response to the Amended Complaint and a request to suspend or terminate this proceeding on account of other pending legal actions between the parties. On April 6, 2026, Complainant submitted a Response to Respondent's April 4, 2026, request opposing such. On April 6, 2026, Respondent requested a three-member panel in the matter.

On April 9, 2026, Respondent and Complainant made additional submissions to the Center. Also on April 9, 2026, the preliminary Panel issued a procedural order allowing Respondent to file a response in the matter. Respondent filed its response on April 29, 2026.

The Center appointed Georges Nahitchevansky, Sally M. Abel, and Robert A. Badgley as panelists in this matter on May 22, 2026. The Panel finds that it was properly constituted. Each member of 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

Complainant Petunia Products Inc., doing business as Billion Dollar Beauty and Billion Dollar Brows, is a California-based cosmetics company founded in Los Angeles in 2004. Complainant designs, manufactures, markets, and sells eyebrow cosmetic products. In connection with its eyebrow cosmetic products, Complainant owns and uses the mark RAISING BROWS and holds a United States trademark registration (No. 6,971,868) which issued to registration on February 7, 2023, with a disclaimer of the word "brows" (as mentioned below, it is subject to a cancellation proceeding).

Complainant also owns trademark registrations in the United States for the marks BILLION DOLLAR BEAUTY (No. 5,833,184) which issued to registration on August 13, 2019, BILLION DOLLAR BRAND (No. 7,130,078) which issued to registration on August 8, 2023, and BILLION DOLLAR BROWS (No. 3,027,433) which issued to registration December 13, 2005. Complainant also owns and uses the domain names <billiondollarbrows.cm> and <billiondollarbeauty.com> to promote and sell Complainant's products.

Respondent Daniel Decker is a marketing strategist who was retained by the actual owner and real party in interest for the disputed domain names, Anastasia Soare and her company Anastasia Beverly Hill, LLC.<sup>1</sup> Ms. Soare is the founder and CEO of Anastasia Beverly Hills, a cosmetic company that designs, manufactures, markets and sells a variety of eyebrow, makeup and other cosmetic products. The Anastasia Beverly Hills company owns and uses the domain name <anastasiabeverlyhills.com> to promote and sell its products.

In October 2025, Penguin Random House published a memoir written by Anastasia Soare entitled *Raising Brows: My Story of Building a Billion-Dollar Beauty Empire*. Respondent Decker registered the disputed domain names on behalf of Ms. Soare and Anastasia Beverly Hills. The <raisingbrowsbook.com> disputed domain name was registered on September 5, 2025, and subsequently used for a website concerning and promoting Ms. Soare's memoir and the <raisingbrowslive.com> disputed domain name was registered on September 11, 2025, and used for a website promoting a live event with Ms. Soare and Oprah Winfrey and promoting Ms. Soare's memoir.

Also, at some point in October 2025, Complainant's founder and CEO, Natalie Plain, self-published a memoir entitled *The Plain Truth...About Building a Billion Dollar Brand*.

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<sup>1</sup> Respondent has requested that the Panel amend the caption of this proceeding to remove the name of Mr. Decker and add Ms. Soare and Anastasia Beverly Hills given that Mr. Decker is not the actual owner of the disputed domain names and was retained by Ms. Soare as a marketing strategist for her memoir. The Panel agrees that the names of Ms. Soare and Anastasia Beverly Hills should be added to the caption along with Mr. Decker. All three are hereinafter referred to as "Respondent".

On October 13, 2025, Complainant filed a lawsuit against Ms. Soare, Anastasia Beverly Hills and Penguin Random House in the United States District Court for the Central District of California, *Petunia Products, Inc. v. Anastasia Beverly Hills, LLC, et al.*, Cas No. 8:25-cv-02312-MWF-ADS (C.D. Cal. 2025) (the “Federal Court Action”), alleging, inter alia, claims of trademark infringement and unfair competition related to the publication of Ms. Soare’s memoir, the promotion and marketing of such, and related marketing and product activities undertaken by Ms. Soare and Anastasia Beverly Hill. Complainant filed an amended complaint in the Federal Court Action on February 18, 2026.

On March 4, 2026, Ms. Soare and Anastasia Beverly Hills filed a motion to dismiss the amended complaint in the Federal Court Action. On April 20, 2026, Complainant filed its opposition to the motion to dismiss filed by Ms. Soare and Anastasia Beverly Hills in the Federal Court Action. That motion is currently pending and has not yet been ruled on by the Court.

Separately, on March 3, 2026, Ms. Soare filed a petition to cancel the United States trademark registration owned by Complainant for the RAISING BROWS mark, *Anastasia Soare v. Petunia Products Inc.*, Cancellation No. 92091051 (the “Petition to Cancel”). Complainant filed an answer to the Petition to Cancel on March 30, 2026. Currently, the Petition to Cancel is suspended pending disposition of the Federal Court Action.

The disputed domain names currently continue to resolve to the two websites noted above.

## **5. Parties’ Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, Complainant contends that it is well known in the eyebrow cosmetics industry and that Complainant is known to consumers and competitors “for its ‘Raising Brows’ and “Billion Dollar’ branded cosmetic products.” Complainant further contends that it has strong rights in its RAISING BROWS and BILLION DOLLAR marks on account of its longstanding use of such and its United States trademark registrations for those marks.

Complainant maintains that the disputed domain names are confusingly similar to its RAISING BROWS marks as they both incorporate the RAISING BROWS mark in its entirety. Complainant also maintains that because Complainant and Ms. Soare and her company Anastasia Beverly Hills compete with Complainant to sell women’s eyebrow cosmetics, the disputed domain names and the manner in which they have been used “is confusingly similar to the Complainant’s trademarks and the manner in which Complainant has used them.”

Complainant asserts that Respondent has no rights or legitimate interests in the disputed domain names as Respondent (i) is not licensed, authorized or otherwise permitted to use the RAISING BROWS mark or any other marks of Complainant and (ii) is not commonly known by the disputed domain names. Complainant argues that just because Ms. Soare’s memoir uses the title *Raising Brows: My Story of Building a Billion-Dollar Beauty Empire*, such title does not provide Respondent with a legitimate interest in the disputed domain names. In that regard, Complainant notes that Respondent could have chosen and used domain names based on her name, but instead chose domain names “where the dominant and leading portion is identical to Complainant’s RAISING BROWS mark.”

Complainant also asserts that Respondent’s use of the disputed domain names is not for a legitimate noncommercial or fair use because Respondent has used the disputed domain names to promote a commercially distributed book, provide links to commercial offerings that benefit Respondent and to sell

tickets to a live event. In all, Complainant contends that the disputed domain names, which copy Complainant's RAISING BROWS mark, create an impermissible risk of implied affiliation with Complainant and are being used for "direct-to-consumer sales platforms and commercial marketing vehicles".

Lastly, Complainant argues that Respondent has registered and used the disputed domain name in bad faith as Respondent registered the disputed domain names with knowledge of Complainant's RAISING BROWS mark and did so to promote Ms. Soare's memoir and associated live events and products and to attract users to the websites associated with the disputed domain names. Complainant also argues that Respondent's bad faith is further established by the fact that Respondent registered at least two domain names based on the RAISING BROWS mark, has done so to disrupt Respondent's business, and had "no plausible good-faith explanation for selecting domain names identical to Complainant's distinctive registered mark in the same commercial field".

## **B. Respondent**

Respondent rejects Complainant's contentions.

Up front Respondent notes that Complainant commenced the Federal Court Action against Ms. Soare and Anastasia Beverly Hills "in which Complainant has placed the registration and use of the disputed domain names at issue." Respondent also notes that it has filed a motion to dismiss the Federal Court Action and a Petition to Cancel Complainant's RAISING BROWS mark.

Respondent contends that Ms. Soare, as the founder and CEO of Anastasia Beverly Hills, has built a beauty empire focused on eyebrows and authored her memoir which shares her story by chronicling her personal journey from working at a salon to building an iconic beauty brand. Respondent further contends that the websites at the disputed domain names prominently feature Ms. Soare, have never offered for sale any cosmetic product, use the common phrases "raising brows" and "billion dollar" in a manner that is descriptive of the contents of the memoirs, and have not capitalized on Complainant's goodwill.

Respondent maintains that given the pending Federal Court Action and Petition to Cancel, the scope of the dispute between the parties before the Panel exceeds the limited scope of the Policy. In that regard, Respondent essentially requests that the proceeding be terminated as per the request made by Respondent in correspondence dated April 4, 2026. Respondent argues that there are sophisticated legal issues in the parties's dispute which are directly relevant to and at the heart of this proceeding and that the court in the Federal Court Action and the tribunal in the Petition to Cancel are "in a far better position than the " to adjudicate the issues underlying the parties' dispute.

Respondent acknowledges that Complainant's United States trademark registration for RAISING BROWS, which Respondent has petitioned to cancel, does provide Complainant with prima facie evidence "that Complainant has standing for the limited purpose of the first element of the Policy".

Respondent contends that it has rights and legitimate interests in the disputed domain names as the disputed domain names are based on the title of Ms. Soare's memoir, play on common phrases with terms that relate to the memoir, and have not been used to imply or suggest a false association with Complainant. Respondent also contends that the use of the disputed domain names with websites that promote Ms. Soare's memoir is irrelevant as Respondent is using the common phrase "raising brows" in conjunction with the terms "book" and "live" "solely in their ordinary, descriptive sense to describe the Memoir titled *Raising Brows: My Story of Building a Billion Dollar Beauty Empire*, the Memoir's subject matter, and a live event to promote the Memoir." In all, Respondent maintains that its use of "raising brows" is a fair use, is artistically relevant to the memoir (as that term is understood in United States trademark law), and does not explicitly mislead.

Respondent argues that Ms. Soare selected and used her title for her memoir in good faith and solely for descriptive purposes related to her story. In that regard, Respondent also notes that the phrases “raising brows” and “billion dollar beauty” were selected by Respondent because “they are used by the Respondent and independent news media to describe ABH and the Memoir.”

Lastly, Respondent makes a request for reverse domain name hijacking.

## **6. Respondent’s Request to Suspend or Terminate the Proceeding and Ruling**

As noted, Respondent requested in correspondence to the Center on April 4, 2026, and in its Response that the Panel suspend or terminate the proceeding in view of the pending Federal Court Action and Petition to Cancel which will decide issues that are at the heart of this proceeding.

Complainant has opposed such termination or suspension on the grounds that the Federal Court Action and this proceeding are not inextricably intertwined and that Complainant has not included a claim or payer for relief seeking a transfer of the disputed domain names in the Federal Court Action. Respondent urges that this UDRP proceeding and the Federal Court Action are complementary, not overlapping, and notes that suspending or terminating this UDRP would be unfair to Complainant and would shelve an expedient proceeding in favor of one that may not yield a relevant ruling for years, one that seeks different relief.

Under Paragraph 18(a) of the UDRP Rules, a panel has discretion to suspend, terminate, or continue a UDRP proceeding where the disputed domain name is also the subject of other pending legal proceedings. Where there are prior or pending court or administrative (e.g., trademark office) proceedings, it is within the panel’s discretion to determine the relevance to ascribe to such proceeding in the UDRP context, in light of the case circumstances. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”) at section 4.14.2.

Here, it should be noted up front that Complainant, and not Respondent, initiated the Federal Court Action on October 13, 2025 and filed its amended complaint in that action on February 18, 2026. Complainant then filed this UDRP two days later on February 20, 2026.

A review of Complainant’s amended complaint in the Federal Court Action shows that Complainant is asserting claims based on its RAISING BROWS marks and BILLION DOLLAR formative marks and alleging that Ms. Soare and Anastasia Beverly Hills have used such as part of a deliberate branding campaign for their benefit. Complainant asserts, inter alia, that Ms. Soare and Anastasia Beverly Hills intentionally titled the memoir to utilize four of Complainant’s trademarks “as a central component” of their branding strategy. The amended complaint further alleges that the use of RAISING BROWS in the disputed domain names and associated website reflects a conscious decision to infringe rights in the RAISING BROWS mark. The amended complainant also attacks various other actions by Ms. Soare and Anastasia Beverly Hills, such as marketing activities, product placements, branded events and the like that Complainant claims unfairly use and infringe its RAISING BROWS mark and/or BILLION DOLLAR marks and/or harm Complainant’s business.

While Complainant does not specifically request in the Federal Court Action a suspension or transfer of the disputed domain names, Complainant does seek injunctive relief enjoining the actions of Ms. Soare and Anastasia Beverly Hills and the use of RAISING BROWS mark (with the exception of a carve out for use of “Raising Brows” in the Soare’s memoir title). Complainant in its complaint not only asks for injunctive relief but also adds a catchall “for further forms of relief this Court deems appropriate,” which presumably could include a transfer of the disputed domain names.

Respondent, on the other hand, has challenged Complainant’s rights in the RAISING BROWS mark in the Petition to Cancel and in its motion to dismiss the Federal Court Action. Respondent argues that its use of the common phrase “raising brows” has been done in a descriptive way in connection with the memoir and Ms. Soare’s story and that Respondent’s marketing of such, which includes, inter alia, the disputed domain

names and associated websites is protected expression because such are being done in connection with promoting the memoir, an expressive work, and are not being used as source identifiers. Respondent also asserts that its use of “raising brows” is classic fair use and that there is no likelihood of confusion.

To the Panel, the Federal Court Action essentially covers the parties’ dispute and their respective claims and defenses, including implicitly the registration and use of the disputed domain names. If Complainant succeeds in the Federal Court Action, Respondent will likely be enjoined from using “raising brows” apart from in the title of the memoir. That would presumably suspend the disputed domain names and /or could result in a transfer of such to Complainant as further relief to protect Complainant’s rights. But if Respondent prevails, then Respondent would maintain its ownership and use of the disputed domain names that include “raising brows”. Put another way, the issue of infringement would have been resolved by the Court in Respondent’s favor and Complainant could not then bring a separate action, such as a UDRP, concerning the disputed domain names and the use of “raising brows” as such.

While the Panel is mindful that a UDRP has a relative expediency that benefits parties by providing an expedited resolution of a domain name dispute, and Panels are thus generally reluctant to suspend or terminate a pending proceeding, there are good reasons here to terminate the pending matter. First, any decision rendered by this Panel would likely be immediately suspended by the losing party in the Federal Court Action and would thus serve little purpose. Second, the Federal Court Action will fully resolve the many claims and defenses of the Parties since it will allow for a full record, with discovery and cross examination of the Parties’ many conflicting assertions, something that is unavailable in this proceeding. Lastly, it should be noted that Complainant is the one that filed the Federal Court Action and chose to do so in October 2025 without seeking a preliminary injunction to enjoin the activities it claimed were infringing its rights in its RAISING BROWS mark, including the registration and use of the disputed domain names. Having chosen its forum, Complainant should not now claim it will be harmed by a termination of its later in time filing of this proceeding.

In closing, the Panel notes that this is an exceptional situation warranting a termination of this proceeding in light of the pending Federal Court Action (and the suspended Petition to Cancel). As such, the Panel’s termination of this proceeding is without prejudice to the filing of a future UDRP complaint by Complainant pending resolution or discontinuance of the Federal Court Action.

## **7. Decision**

For the foregoing reasons, the proceeding is terminated without prejudice to Complainant or Respondent.

*/Georges Nahitchevansky/*  
**Georges Nahitchevansky**  
Presiding Panelist

*/Sally M. Abel/*  
**Sally M. Abel**  
Panelist

*/Robert A. Badgley/*  
**Robert A. Badgley**  
Panelist  
Date: June 5, 2026