

## **ADMINISTRATIVE PANEL DECISION**

Moliera2 Spółka Akcyjna v. Maria Grzegorzcyk  
Case No. D2026-1307

### **1. The Parties**

The Complainant is Moliera2 Spółka Akcyjna, Poland, represented by AG Górská Tulecki spółka partnerska Kancelaria Patentowa i Radcowska, Poland.

The Respondent is Maria Grzegorzcyk, Poland.

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

The disputed domain name <moliera.com> (the “Domain Name”) 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 March 26, 2026. On March 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 27, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 30, 2026, 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 April 1, 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 the Respondent of the Complaint, and the proceedings commenced on April 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 4, 2026. On May 21, 2026, the Respondent sent email communication to the Center.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on May 6, 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**

The Complainant operates an online store at the domain name <moliera2.com>. It offers a broad range of products, including cosmetics, jewellery, clothing, accessories, and other lifestyle goods.

The Complainant is the owner of several MOLIERA2 trademark registrations, including:

- the European Union Trade Mark Registration for MOLIERA2 (word trademark) No. 018802816, registered on June 7, 2023; and
- the European Union Trade Mark Registration for MOLIERA2 (figurative trademark) No. 018802817, registered on June 7, 2023.

The Domain Name was registered on July 3, 2024.

At the time of filing of the Complaint, the Domain Name resolved to a Shopify landing page displaying the message “This store does not exist.” As of the date of this Decision, the Domain Name resolves to an error page stating “Something went wrong” and indicating that “This store is unavailable”.

#### **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 Domain Name.

First, the Complainant contends that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainant’s contentions, but sent an email to the Center confirming receipt of our communications and indicating that it does not intend to raise any issues in this matter and consents to the transfer of the disputed domain name.

#### **6. Discussion and Findings**

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the 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 the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”; some panels have also expressed this as an “on balance” standard. Under this standard, a party should demonstrate to a panel’s satisfaction that it is more likely than not that a claimed fact is true. See section 4.2 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”).

#### **A. Identical or Confusingly Similar**

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

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. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. See section 1.7 of the [WIPO Overview 3.1](#).

In the present case, the Complainant holds valid registrations for the MOLIERA2 trademark. The Domain Name incorporates this trademark in its entirety, differing only by the omission of the numeral “2”. As numerous UDRP panels have held, a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. See section 1.9 of the [WIPO Overview 3.1](#).

The Top-Level Domain (“TLD”) “.com” in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. See section 1.11.1 of the [WIPO Overview 3.1](#).

Given the above, the Panel finds that the Domain Name is confusingly similar to the Complainant’s MOLIERA2 trademark. Thus, the Panel finds the first element of the Policy has been established.

#### **B. Rights or Legitimate Interests**

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made preparations to use the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

In the present case, the Panel finds that the Complainant has established a prima facie case that the Respondent does not have any rights or legitimate interests in the Domain Name, and the burden of production of evidence shifts to the Respondent. See section 2.1 of the [WIPO Overview 3.1](#). Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the Complainant's MOLIERA2 trademark registrations predate the Respondent's registration of the Domain Name. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the MOLIERA2 trademark or to register the Domain Name incorporating this trademark. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Name.

The Panel considers that the composition of the Domain Name carries a high risk of implied affiliation with the Complainant. See section 2.5.1. of the [WIPO Overview 3.1](#).

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Name. On the contrary, at the time of the filing of the Complaint, the Domain Name resolved to a Shopify landing page displaying the message "This store does not exist". As of the date of this Decision, the Domain Name resolves to an error page stating "Something went wrong" and indicating that "This store is unavailable". In fact, there is no evidence in the case file that the Domain Name has ever been used in any active way.

In sum, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the Domain Name. Thus, there is no evidence in the case file that refutes the Complainant's prima facie case. The Panel concludes that the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.1](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

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

As indicated above, the Complainant's rights in the MOLIERA2 trademark predate the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of the Complainant's MOLIERA2 trademark at the time of registration. This finding is supported by the fact that the Domain Name incorporates the Complainant's trademark in its entirety, save for the omission of the numeral "2". Moreover, the website to which the Domain Name resolved displayed the message "This store does not exist" at the time of the filing of the Complaint and, as of the date of this Decision, resolves to an error page indicating that "This store is unavailable", a reference which the Panel considers relevant given that the Complainant operates an online store under the MOLIERA2 trademark.

In addition, it has been proven to the Panel's satisfaction that the MOLIERA2 trademark is well-known, and unique to the Complainant, at least in the field of online retail and e-commerce services. The Panel further notes that the Respondent is located in Poland, where the Complainant and its MOLIERA2 online store enjoy particular recognition. In these circumstances, the Respondent could not reasonably ignore the reputation of the MOLIERA2 trademark. In sum, the Panel finds that the Respondent registered the Domain Name with the expectation of taking advantage of the reputation of the Complainant's MOLIERA2 trademark.

Furthermore, as noted above, at the time the Complaint was filed, the Domain Name resolved to a Shopify landing page displaying the message "This store does not exist." As of the date of this Decision, the Domain Name resolves to an error page stating "Something went wrong" and indicating that "This store is unavailable". Considering the overall circumstances of this case, the Panel finds that the Respondent's passive holding of the Domain Name does not prevent a finding of bad faith.

From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. See section 3.3 of the [WIPO Overview 3.1](#).

In the present case, the Panel notes in particular the distinctiveness and reputation of the Complainant's MOLIERA2 trademark, the Respondent's failure to submit any Response or evidence of actual or contemplated good-faith use, the composition of the Domain Name, as well as the implausibility of any good-faith use of the Domain Name. Accordingly, the Panel finds that the passive holding of the Domain Name supports a finding of bad faith.

For the reasons discussed above, 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 Domain Name <moliera.com> be transferred to the Complainant.

*/Piotr Nowaczyk/*

**Piotr Nowaczyk**

Sole Panelist

Date: May 22, 2026