

ADMINISTRATIVE PANEL DECISION

monari GmbH v. Alivia Williams, Monari
Case No. D2026-1309

1. The Parties

The Complainant is monari GmbH, Germany, represented by Sonntag & Partner Partnerschaftsgesellschaft mbB, Germany.

The Respondent is Alivia Williams, Monari, United States of America.

2. The Domain Name and Registrar

The disputed domain name <shopmonari.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 2026. On March 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 2026, 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 (Contact Privacy Inc. Customer 0177118146) 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 amendment to the Complaint on March 30, 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 the Respondent of the Complaint, and the proceedings commenced on March 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 20, 2026.

The Center appointed Gonalo M. C. Da Cunha Ferreira as the sole panelist in this matter on April 23, 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 is a German company founded in 1986 and active in the fashion sector, particularly in women's apparel. The Complainant has used the trademark MONARI in commerce since its foundation.

The Complainant is the owner of numerous trademark registrations for MONARI, including, inter alia:

- German trademark No. 1 003 827 MONARI (word), registered on November 8, 1979;
- European Union trademark No. 009669151 MONARI (word/device), registered on November 21, 2012;
- International trademark No. 791720 MONARI (word), registered on September 3, 2002.

The Complainant operates a portfolio of domain names incorporating its MONARI trademark, including <monari.de> and <monari.com>, which resolve to its official websites.

The disputed domain name <shopmonari.com> was registered on January 9, 2026.

The evidence shows that the disputed domain name has been used to resolve to a commercial website offering clothing products while prominently displaying the Complainant's MONARI trademark and creating the impression that the website is operated by, authorized by, or otherwise affiliated with the Complainant.

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 contends that:

1. it is a German company founded in 1986 and has been selling apparel under the sign "monari" from the very beginning;
2. it is the holder of numerous trademark registrations for MONARI, with the earliest registration dating from November 8, 1979, primarily in class 25;
3. it owns, inter alia, the domain names <monari.de> and <monari.com>, which are used in connection with its business;
4. the disputed domain name <shopmonari.com> is confusingly similar to its trademarks, as it incorporates the MONARI mark in its entirety with the addition of the descriptive term "shop";
5. the goods and services offered under the disputed domain name are identical to those of the Complainant, namely clothing and related retail services;
6. the disputed domain name has been used for a fake online shop offering women's clothing and reproducing the Complainant's trademark and website appearance;
7. the Respondent has not been licensed or otherwise authorized to use the Complainant's trademark or to register any domain name incorporating it;
8. the Respondent has no rights or legitimate interests in the disputed domain name and is not commonly known by the disputed domain name;
9. the Respondent is not making a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name;

10. the Respondent registered the disputed domain name with knowledge of the Complainant's trademark and business;
11. the Respondent is using the disputed domain name to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark;
12. the Respondent's use of the disputed domain name creates the appearance of legitimacy of the goods offered through the website and aims to profit from the reputation of the Complainant;
13. the Respondent has taken steps to conceal its identity through a privacy service and has failed to respond to cease-and-desist communications;
14. the disputed domain name was therefore registered and is being used in bad faith.

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

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of the term "shop" may bear on the assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 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 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. Moreover, notwithstanding what may be inferred from the registration details for the disputed domain name, the Panel finds that there is no evidence that the Respondent is commonly known by the disputed domain name.

The record shows that the disputed domain name has been used to host a commercial website prominently displaying the Complainant's MONARI trademark and offering clothing products similar to those offered by the Complainant. The composition of the disputed domain name, combining the Complainant's MONARI trademark with the term "shop", together with the content of the associated website, creates a false impression that the website is operated by, authorized by, or otherwise affiliated with the Complainant. Such use cannot constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name.

Panels have consistently held that the use of a domain name for impersonation or other conduct falsely suggesting affiliation with a complainant can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that 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.

In the present case, the Panel finds that the Respondent registered the disputed domain name incorporating the Complainant's MONARI trademark in its entirety, combined with the descriptive term "shop", which reinforces the impression of an official online store run by the Complainant.

Having regard to the distinctiveness and longstanding use of the Complainant's trademark, the Panel considers it implausible that the Respondent was unaware of the Complainant and its rights at the time of registration.

The Panel further notes that the disputed domain name has been used to resolve to a website that imitates the Complainant's official online shop, reproducing its trademark and offering similar goods.

The Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have further held that the use of a domain name to impersonate a complainant or otherwise falsely suggest affiliation may constitute bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4.

Accordingly, the Panel finds that the disputed domain name was registered and is being used 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 <shopmonari.com> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/

Gonçalo M. C. Da Cunha Ferreira

Sole Panelist

Date: May 7, 2026