

ADMINISTRATIVE PANEL DECISION

Maiju Tirri v. Romauli Br Naibaho
Case No. D2026-1544

1. The Parties

The Complainant is Maiju Tirri, Singapore, self-represented.

The Respondent is Romauli Br Naibaho, Cambodia, self-represented.

2. The Domain Name and Registrar

The disputed domain name <maijutirri.com> 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 April 12, 2026. On April 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 13, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 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 21, 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 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2026. The Respondent sent an email communication to the Center on April 23, 2026.

The Center appointed Dennis A. Foster as the sole panelist in this matter on May 21, 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 Finnish visual artist based in Singapore with an international professional career spanning over 20 years. The Complainant uses the name Maiju Tirri as her professional and commercial identifier for her artworks, exhibitions, publications, online portfolio presentation, and art sales.

The Complainant registered the disputed domain name on December 21, 2007, but inadvertently allowed it to lapse after almost twenty years. The Complainant's official website currently is at "www.maijutirri.art". The Complainant also is active on other social media such as Facebook and Instagram.

The Respondent is reportedly an individual located in Cambodia who registered the disputed domain name after it had lapsed. Since that time, the Respondent has periodically used the disputed domain to promote, and to purport to offer for sale, the Complainant's artwork. The disputed domain name currently does not resolve to a website.

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.

In brief, the Complainant contends that:

--For over twenty years, the Complainant has continuously used the name "Maiju Tirri" as her professional and commercial identifier in connection with her artwork, exhibitions and online portfolio presentations and art sales.

--The Complainant has developed substantial goodwill, reputation and common law trademark rights in her name.

--The disputed domain name is identical to the Complainant's professional name. Internet users encountering the disputed domain name are likely to assume that its website is associated with the Complainant.

--The disputed domain name has been used to display content that reproduces copyrighted artwork, images and texts belonging to the Complainant.

--At various times, the disputed domain name website has displayed misleading content such as spam and fraudulent phishing material. This is not a bona fide offering of goods or services.

--The Complainant has never licensed or authorized the Respondent to use her name, artwork- or professional materials.

--The Respondent is not commonly known by the Complainant's professional name "Maiju Tirri".

--The Respondent's use of the disputed domain name creates confusion among collectors, galleries, curators and the general public as to the source, affiliation or endorsement of the website at the disputed domain name.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions, but stated that it is willing to transfer the disputed domain name to the Complainant, provided that the costs it incurred are reasonably covered.

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i), (ii), and (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant shows that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant's first burden of proof is to show that she has the requisite trademark rights for standing to initiate this proceeding under the Policy. Typically, a complainant presents a registered trademark but, in the present proceeding, the Complainant contends she has acquired common law trademark rights in her professional name "Maiju Tirri" through over twenty years of use to promote her artwork business.

To reinforce her contention, the Complainant has annexed to her Complaint numerous examples of her art exhibits and sales going back over twenty years. The Panel finds this is proof that the Complainant has acquired common law trademark rights in her name "Maiju Tirri". WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), sections 1.2.1 and 1.3. See also *Thomas Blackshear v. Christ-Centered Mail, Inc.*, WIPO Case No. [D2002-0736](#) where the Panel found the artist did have common law trademark rights in his artwork.

The Complainant next must show that the disputed domain name is identical or confusingly similar to her common law trademark. As the Complainant contends, the Panel finds the disputed domain name is identical to the Complainant's trademark because the generic Top-Level Domain ".com" is not taken into consideration when assessing identity or confusing similarity. [WIPO Overview 3.1](#), sections 1.7 and 1.11.1. The Panel finds, then, that the Complainant has carried her burden of proof to show that the disputed domain name is identical to her trademark per Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant's second burden of proof, under Policy paragraph 4(a)(ii), is to show that the Respondent does not have rights or legitimate interests in the disputed domain name. In this regard, the Policy consensus is that, given the logical difficulty of "proving a negative", in the first instance it is sufficient for the Complainant to make out a prima facie case. Then, the burden of production shifts to the Respondent to come forward with evidence showing that he does have rights or legitimate interests in the disputed domain name although the overall burden of proof remains on the Complainant. [WIPO Overview 3.1](#), section 2.1.

The Complainant contends that the Respondent had no authorization to use her trademark in the disputed domain name, nor to use her copyrighted artistic materials on the website at the disputed domain name. The Complainant contends, further, that the Respondent used the disputed domain name to purport to market the Complainant's artwork, and to phish for personal information from Internet users who sought to acquire the Complainant's artwork at the website of the disputed domain name. The Panel finds this constitutes a prima facie case per the Policy. [WIPO Overview 3.1](#), section 2.1.

The Respondent has not come forward to rebut the Complainant's prima facie case. Nonetheless, out of concern for fairness, the Panel will examine the case record to see whether there might be evidence that the Respondent has rights or legitimate interests in the disputed domain name as allowed under the Policy at paragraphs 4(c)(i), (ii) and (iii). In doing so, the Panel will accept as true all reasonable Complainant contentions. [WIPO Overview 3.1](#), section 2.1.

Under Policy paragraph 4(c)(i), the Respondent would have to show that, before being notified of this proceeding, the Respondent was using the disputed domain name, or making preparations to use it, to make a bona fide offering of goods or services. However, the Respondent in this case was in fact using the disputed domain name without permission to pretend to be the Complainant and to purport to offer the Complainant's artwork for sale. The Respondent also was soliciting personal information from Internet users in a phishing scheme. These activities fall well short of being a bona fide offering of goods and services. [WIPO Overview 3.1](#), section 2.13.1.

Moreover, except for when the Respondent was pretending to be the Complainant at the disputed domain name website, the Respondent has not been known as the disputed domain name per Policy paragraph 4(c)(ii). Also, the Respondent has purported to sell the Complainant's artwork for financial gain, and therefore has not been making a non-commercial or fair use of the disputed domain name per Policy paragraph 4(c)(iii),

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) sets out four non-exhaustive grounds on which a panel may base a finding that a Respondent registered and is using a disputed domain name in bad faith. In the present case, the Panel finds the Respondent violated Policy paragraph 4(b)(iv) when he registered a domain name identical to the Complainant's trademark in order to confuse the public for commercial gain. Obviously, the Respondent was familiar with who the Complainant was and her reputation as an artist when he registered the disputed domain name and then set up a website to imitate the Complainant and her artwork.

The Respondent also used the disputed domain name website to phish for personal and financial information from Internet visitors. This also is evidence of bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4.

The Panel thus finds that the Complainant has carried her burden of proof under Policy paragraph 4(a)(iii),

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 <:majutirri.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: May 27, 2026