

ADMINISTRATIVE PANEL DECISION

LULU PRESS, INC. v. James Matheww

Case No. D2026-1885

1. The Parties

The Complainant is LULU PRESS, INC., United States of America (“United States”), represented by Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, LLP, United States.

The Respondent is James Matheww, United States.

2. The Domain Name and Registrar

The disputed domain name <lulupublishingsinc.com> is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2026. On May 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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 (Holder of lulupublishingsinc.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 6, 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 amended Complaints on May 7 and 13, 2026.

The Center verified that the Complaint together with the amended Complaints 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 May 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2026. The Respondent sent an email communication to the Center on May 8, 2026.

The Center appointed Gary Saposnik as the sole panelist in this matter on June 18, 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 United States based online publication business that was founded in 2002 and consists of online print-on-demand and self-publishing services for various types of media. The Complainant's customers also can buy and sell published material via the Complainant's online bookstore at its website at <lulu.com>. The Complainant claims to have helped publish millions of authors and titles over more than two decades. The Complainant is the owner of a registered trademark and service mark in the United States for LULU (figurative), United States Registration No. 6185768, registered October 27, 2020, in classes 9, 16, 35, 39, 40, 41 and 42, and with a claimed first use in commerce date of August 23, 2018.

The Respondent registered the disputed domain name on October 9, 2025. At the time this Complaint was filed, the disputed domain name resolved to website content that offers "The Best Book Writing Services in the USA!", "Extensive Research And Draft Outline", "Authentic Content Writing Based on Your Ideas", "Proofreading And Editing", "Formatting, Designing, And Typesetting", "Publishing, Branding, And Marketing". The disputed domain name no longer resolves to any content.

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.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to the LULU trademark in which the Complainant has rights. The Complainant uses its trademark in connection with its online publication business. The disputed domain name contains the term "lulu" with the additional word "publishers", which is representative of the line of business that the Complainant is in, along with the word "inc". Combined with the similarities between the Complainant's logo and website with the Respondent's logo and website, the disputed domain name creates a likelihood of confusion amongst the Complainant's patrons.

The Complainant alleges that the Respondent has no rights or legitimate interests with respect to the disputed domain name. The Respondent is not commonly known by the disputed domain name and does not hold any trademark or service marks in the disputed domain name. The Respondent has not made any legitimate or fair use of the disputed domain name without intent for commercial gain, misleadingly to divert consumers, or to tarnish the trademark. The Respondent appears to be using the disputed domain name for commercial gain, and to confuse customers into paying for goods that infringe the Complainant's trademark. The Complainant has received complaints from disgruntled customers who have ordered goods from the disputed domain name, believing that they were ordering from the Complainant.

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The Complainant has been in the publishing business for more than two decades, along with obtaining registered trademark rights in 2020. The Respondent registered and began operating the disputed domain name in 2025 relating to publishing services. The Respondent has intentionally attempted to attract, for commercial gain, consumers to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, as well as products and services on the Respondent's website. The Respondent uses the disputed domain name and website to engage in the same line of business and offer the same services as the Complainant, including selling of online print-on-demand and self-publishing services for various types of media. Additionally, the Respondent

is using a logo that is confusingly similar to the Complainant's logo, with both including a book laying on its spine with flipping book pages. When the Complainant used the chat function on the Respondent's website and inquired whether there was any relationship between the disputed domain name and the Complainant's website, the Respondent's representative falsely indicated that the Respondent's was associated with the Complainant stating "We are a publishing department for Lulu Press under the same subsidiary." Such use demonstrates that the Respondent is actively seeking to cause confusion between the disputed domain name's website and the Complainant's website.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. Rather, the Respondent sent an email to the Center stating "We are not using this domain name. Website is not active on it..." The Respondent did not address any of the allegations in the Complaint and did not come forward with any other response.

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 word portion of the LULU 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 cited trademark contains a design element, panels tend to focus on the non-design elements for purposes of assessing confusing similarity. [WIPO Overview 3.1](#), section 1.10.

While the addition of other terms here, "publishings" and "inc" may bear on assessment of the second and third elements, the Panel finds the addition of such terms that are related to the Complainant's business 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. As a threshold matter, there is no evidence in the record that the Respondent, identified as "James Matheww", is commonly known by the disputed domain name or the Complainant's LULU trademark.

The Panel finds that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods and services. The disputed domain name is so obviously connected with the Complainant and its services that the very use by a registrant with no connection to a complainant suggests opportunistic bad faith. See *Lulu Press, Inc. v. Jared Bacher*, WIPO Case No. [D2024-2858](#). From a review of the evidence presented, the Panel concludes that the Respondent clearly had the Complainant's LULU trademark in mind when registering the disputed domain name, and that it likely registered the disputed domain name to exploit and profit the Complainant's trademark rights, which long predated the Respondent's registration of the disputed domain name.

Additionally, the Respondent held itself out as a publishing department for the Complainant, under the same subsidiary, when it was not related to the Complainant. Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: passing off, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel finds 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 notes that the Respondent registered the disputed domain name a number of years after the Complainant attained registered rights in its distinctive LULU mark for publishing services. The disputed domain name previously resolved to a website that appeared to be an intentional attempt by the Respondent to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and services. The Respondent's website engaged in the same line of business and offered the same services as the Complainant, including selling of online print-on-demand and self-publishing services for various types of media. Additionally, the Respondent used a logo that is confusingly similar to the Complainant's logo, with both including a book laying on its spine with flipping book pages. Although the Respondent informally responded that the website was not active and the disputed domain name was not in use, the Complainant has provided evidence of its prior use. Notably, the Respondent, having received the Complaint, did not come forward with any response to the Complainant's evidence and contentions, nor did the Respondent provide any credible explanation for the Respondent's choice of the disputed domain name that clearly targets the Complainant's widely known arbitrary mark for publishing services.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1. These circumstances include the nature of the disputed domain name incorporating the Complainant's mark plus a term that is descriptive of the Complainant's services. As noted above, the Respondent has a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name. Additional indicia are that the Respondent's website had content mimicking the Complainant's website and logo, and the removal of the Respondent's website after notice of the dispute.

As evidenced by the Complainant, the Respondent held itself out as a publishing department for the Complainant, under the same subsidiary, when it was not related to the Complainant. Panels have held that the use of a domain name for illegitimate activity, here, claimed as passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the totality of the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

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 <lulupublishingsinc.com> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: July 2, 2026