

ADMINISTRATIVE PANEL DECISION

Ljulja Beauty Inc. d/b/a Makeup By Mario v. fs grge, bhv
Case No. D2026-1963

1. The Parties

Complainant is Ljulja Beauty Inc. d/b/a Makeup By Mario, United States of America (“U.S.” or “United States”), represented by Kelley Drye & Warren, LLP, United States.

Respondent is fs grge, bhv, United States.

2. The Domain Name and Registrar

The disputed domain name <makeupbymario.com> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 6, 2026. On May 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 8, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on May 8, 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 May 11, 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 May 19, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was June 8, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 18, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on June 24, 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

Complainant is a cosmetics company operating under the name “Makeup By Mario,” founded by internationally recognized makeup artist Mario Dedivanovic. Since 2020, Complainant has used the MAKEUP BY MARIO mark in connection with the promotion and sale of cosmetics and beauty products, which are distributed through its official website and major retail channels. Complainant owns numerous trademark registrations for MAKEUP BY MARIO, including, inter alia:

- MAKEUP BY MARIO, U.S. Registration No. 6,222,626, registered December 15, 2020, in Classes 3 and 21;
- MAKEUP BY MARIO, International Registration (designating the European Union and China) No. 1487506, registered May 11, 2019, in Class 3; and

Collectively, Complainant’s registered trademark rights are referred to as the “MAKEUP BY MARIO Mark”.

Complainant operates its website at “www.makeupbymario.com”,

The Domain Name <makeupbymariio.com> was registered on April 22, 2026. It consists of a misspelling of Complainant’s MAKEUP BY MARIO Mark, replacing the single “i” in “Mario” with a double “i”.

At the time of filing, the Domain Name resolved to a website purportedly operated by an entity identified as “TSMB.” The website did not appear to offer Complainant’s products or otherwise directly copy Complainant’s official website.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

As background, Complainant asserts that it is a well-known cosmetic brand founded by Mario Dedivanovic and that it has developed substantial goodwill in the MAKEUP BY MARIO Mark through extensive use, promotion, and sales worldwide. Complainant states that its products are widely distributed and that its mark is distinctive and recognized by consumers.

With respect to the first element of the Policy, Complainant contends that the Domain Name is confusingly similar to its MAKEUP BY MARIO Mark because it incorporates the trademark in its entirety, differing only by the addition of an extra letter “i” in “Mario.” Complainant argues that this is a classic example of typosquatting and does not prevent a finding of confusing similarity.

With respect to the second element, Complainant contends that Respondent has no rights or legitimate interests in the Domain Name. Complainant states that it has not authorized Respondent to use its MAKEUP BY MARIO Mark, that Respondent is not commonly known by the Domain Name, and that Respondent is not making a bona fide offering of goods or services. Complainant further argues that use of a domain name that is a misspelling of its mark to host an unrelated website does not establish rights or legitimate interests. According to Complainant, the website resolving at the Domain Name purports to be

operated by an entity identified as “TSMB” or “TSMB Solutions,” which has no apparent connection to Complainant.

With respect to the third element, Complainant contends that Respondent registered and is using the Domain Name in bad faith. Complainant argues that Respondent engaged in typosquatting to capitalize on Complainant’s mark and to divert Internet users. While the website currently displayed at the Domain Name appears to offer unrelated services under the “TSMB” name and does not directly reference Complainant or its products, Complainant asserts that this does not negate bad faith. Complainant submits that these circumstances, taken together, demonstrate bad faith registration and use under the Policy.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Even though Respondent has defaulted and failed to file a Response, paragraph 4(a) of the Policy requires Complainant to support its assertions with evidence and thus prove each of the following elements:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent’s default, the Panel may accept as true Complainant’s reasonable factual allegations and draw appropriate inferences in Complainant’s favor, provided the Panel is satisfied that such allegations are supported by evidence. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also Rules, paragraph 5(f) (“If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint”). Having reviewed the Complaint, the amended Complaint, and the supporting evidence, and in light of the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel’s findings on each of the required elements are set forth below.

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 Complainant’s trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions, (“[WIPO Overview 3.1](#)”), section 1.7. Complainant has proven its rights in the MAKEUP BY MARIO trademark through valid and subsisting trademark registrations, as well as long-standing use of the mark in commerce. Possession of a nationally registered trademark satisfies the threshold requirement of having rights in a mark for purposes of the Policy. Accordingly, Complainant’s rights in the MAKEUP BY MARIO Mark are established.

The remaining question under the first element is whether the Domain Name is identical or confusingly similar to Complainant’s mark. The Domain Name incorporates Complainant’s MAKEUP BY MARIO mark in its entirety, save for an additional letter “i” in “Mario.” As discussed in the [WIPO Overview 3.1](#), section 1.9, the consensus view is that “a domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element”. Similarly, previous UDRP panels have consistently held that “a mere addition or a minor misspelling of Complainant’s trademark does not create a

new or different mark in which Respondent has legitimate rights”. *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#) (“Such insignificant modifications to trademarks is commonly referred to as ‘typosquatting’ or ‘typo-piracy,’ as such conduct seeks to wrongfully take advantage of errors by users in typing domain names into their web browser’s location bar.”) The spelling errors used in typosquatting have been found to produce domain names that are confusingly similar to the marks which they mimic. See, e.g., *Yahoo! Inc. and GeoCities v. Data Art Corp., DataArt Enterprises, Inc., Stonybrook Investments, Global Net 2000, Inc., Powerclick, Inc., and Yahoo Search, Inc.*, WIPO Case No. [D2000-0587](#).

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which Complainant has rights. Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the Policy’s second element, paragraph 4(a)(ii), Complainant has the burden of establishing that Respondent has no rights or legitimate interests in the Domain Name. Complainant needs to make a prima facie showing on this element, at which point the burden of production shifts to Respondent to present evidence that it has rights or legitimate interests in the Domain Name. If Respondent has failed to do so, Complainant is deemed to have satisfied its burden under paragraph 4(a)(ii) of the Policy. See *Vicar Operating, Inc. v. Domains by Proxy, Inc. / Eklin Bot Systems, Inc.*, WIPO Case No. [D2010-1141](#).

In this case, Complainant has put forward a compelling prima facie case that Respondent has no rights or legitimate interests in the Domain Name. Complainant states that it has never authorized or permitted Respondent to use the MAKEUP BY MARIO Mark, and there is no evidence of any relationship between the Parties that would give rise to any license or permission for Respondent to use this trademark. Respondent is not commonly known by the Domain Name or by any name corresponding to “MAKEUP BY MARIO”. There are only two names associated with Respondent: one is a nonsensical grouping of letters, “fs grge, bhv”, and the other is “TSMB” or “TSMB Solutions, neither of which has a connection to the MAKEUP BY MARIO Mark or the Domain Name.

Respondent has not rebutted Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy¹ or otherwise.

There is also no evidence that Respondent was using the Domain Name for a bona fide offering of goods or services prior to notice of the dispute, or at all. To the contrary, the website currently associated with the Domain Name appears unrelated to Complainant and does not, on the submitted screenshots, appear to display Complainant’s mark or offer infringing cosmetics. That point does not confer rights or legitimate interests on Respondent. The relevant question is whether Respondent has a right or legitimate interest in using a misspelling of Complainant’s distinctive mark as a domain name. [WIPO Overview 3.1](#) recognizes that even dictionary or unrelated use may support a legitimate interest only where there are no indicia of cybersquatting and no targeting of a complainant’s mark; where targeting is indicated, such use undermines rather than supports rights or legitimate interests. See [WIPO Overview 3.1](#), section 2.10.1.

Prior decisions support this conclusion. In *Sharman License Holdings, Limited v. Mario Dolzer*, WIPO Case No. [D2004-0935](#), respondent used a number of typographical variants of complainant’s KAZAA marks to redirect users to what it alleged to be non-competitive websites. In granting a transfer of the domain names,

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: “(i) before any notice to you of the dispute, your use of, or demonstrable 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; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are 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 or service mark at issue.”

the panel noted, “despite Respondent’s claim to the contrary, by using the disputed domain names to divert Internet users seeking Complainant’s website to Respondent’s website, the Respondent is not making a bona fide commercial use of the domain names.” See also, *Yahoo! Inc. and GeoCities v. Data Art Corp., DataArt Enterprises, Inc., Stonybrook Investments, Global Net 2000, Inc., Powerclick, Inc., and Yahoo Search, Inc.*, WIPO Case No. [D2000-0587](#) (Respondent registered typographical variations and directed users to various non-Yahoo sites; and the panel held respondent traded on the value of complainant’s marks and that even if a user promptly realizes the mistake, the respondent already achieved its purpose of attracting the user for commercial gain). In the same vein, even if there were no content accessible, a respondent can still be found lacking legitimate interests in such a passively held domain name. See *Société nationale des télécommunications: Tunisie Telecom v. Ismael Leviste*, WIPO Case No. [D2009-1529](#) (noting that passive holding of a disputed domain name “does not constitute a legitimate use of such a domain name” that would give rise to a legitimate right or interest in the name).

The same principle applies here. Respondent’s current TSMB-related content, even if facially non-infringing, does not explain Respondent’s selection of a domain name that is a near-identical misspelling of MAKEUP BY MARIO. Nor does it show that Respondent has any independent right to the Domain Name. Respondent’s failure to answer further leaves Complainant’s prima facie case un rebutted. The Panel therefore finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides non-exhaustive circumstances evidencing bad faith. [WIPO Overview 3.1](#) explains that bad faith may be found where Respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to Complainant’s trademark. [WIPO Overview 3.1](#), section 3.1. The Panel finds that Respondent registered and is using the Domain Name in bad faith.

As an initial matter, the Domain Name is unquestionably a typosquatted version of Complainant’s MAKEUP BY MARIO Mark. It reproduces the mark with only the addition of a second “i” in “Mario.” Furthermore, the Domain Name is a typosquatted version of Complainant’s domain name <makeupbymario.com>. [WIPO Overview 3.1](#) provides that domain names comprising typos of famous or widely known marks by unaffiliated entities may support a presumption of bad faith, especially where the mark is coined or distinctive. [WIPO Overview 3.1](#), section 3.1.4. Here, Respondent has offered no explanation for selecting this misspelling. The Panel considers that Respondent registered the Domain Name for the purpose of diverting Internet users looking for Complainant’s website to its own website for commercial gain.

Second, current website content does not negate bad faith. [WIPO Overview 3.1](#) identifies as relevant to bad faith “the content of any website to which the domain name directs, including any changes in such content and the timing thereof,” as well as absence of rights or legitimate interests, nature of the domain name, false contact details, failure to respond, and other indicia casting doubt on bona fides. [WIPO Overview 3.1](#), section 3.2.1. The record shows that screenshots were taken shortly after registration and before commencement, and that Domain Name currently resolves to unrelated TSMB content. It is possible in cases of this type that trademark-abusive content is replaced with more innocuous content after running a scam or in anticipation of a proceeding to avoid detection. Regardless, the Panel need not find that such a change occurred here; it is enough that Respondent’s current non-infringing or unrelated content does not supply any credible explanation for registering a misspelling of Complainant’s mark.

Third, Respondent used false or inaccurate contact information. The Registrar disclosed Respondent’s name as “fs grge” with nonsensical address fields and a telephone number that does not appear facially reliable. The Center’s email notifications to the website-related addresses at the TSMB domain were returned because the addresses were incorrect, and emails to the postmaster at the Domain Name were delayed and ultimately undeliverable. The Panel believes that all of Respondent’s contact data is false. [WIPO Overview 3.1](#) recognizes that false contact information is relevant to bad faith, including under sections 3.6 and 3.3.

Lastly, Respondent failed to participate in this proceeding. While default alone is not determinative, it permits the Panel to draw appropriate inferences where an explanation is called for and none is provided. [WIPO Overview 3.1](#), section 4.3. Respondent was best positioned to explain why it chose the Domain Name, whether TSMB is a real entity, and whether any legitimate relationship exists between Respondent, TSMB, and the Domain Name. Respondent chose not to do so.

Accordingly, the Panel finds that the Domain Name was registered and is being used in bad faith. Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name, <makeupbymario.com>, be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: July 8, 2026