

ADMINISTRATIVE PANEL DECISION

Maesa LLC v. Joshua Lewis

Case No. D2026-2806

1. The Parties

Complainant is Maesa LLC, United States of America ("United States"), represented by Dorf Nelson & Zauderer LLP, United States.

Respondent is Joshua Lewis, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <fineryfragrancelstore.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 26, 2026. On June 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On July 1, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on July 1, 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 July 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 Respondent of the Complaint, and the proceedings commenced on July 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 22, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 22, 2026.

The Center appointed Richard W. Page as the sole panelist in this matter on July 30, 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 an international beauty incubator. It spent significant resources developing and launching the FINE'RY brand of perfume products and currently sells its FINE'RY branded products to Target retail stores via <target.com>, <amazon.com>, and Tik Tok Shop. In connection with this brand, Complainant owns the following valid and enforceable trademark registrations for the FINE'RY Mark and the goodwill associated therewith:

- United States Registration No. 8,215,040 for FINE'RY registered April 14, 2026, in international class 3;
- United States Registration No. 7,147,298 for FINE'RY registered August 22, 2023, in international class 3; and
- International Registration No. 1795788 for FINE'RY registered April 24, 2024, in international class 3.

On or about October 27, 2022, Complainant began offering perfumes and body mists under the FINE'RY Mark exclusively through the mass retailer Target. Since the launch, Complainant's brand expanded distribution channels, and the brand received continuous press coverage from outlets including Real Simple, Drug Store News, Instyle, Who What Wear, NewBeauty, Glossy, Retail Dive, Glamour and PR Newswire.

The Disputed Domain Name was registered on May 26, 2026, and resolves to a website which displays the FINE'RY Mark and offers Complainant's FINE'RY branded goods for sale at discounted prices.

5. Parties' Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to the FINE'RY Mark, because it incorporates the entirety of the FINE'RY Mark with only the deletion of the apostrophe. Complainant further contends that the addition of the descriptive words "fragrance" and "store" and the addition of the generic Top-Level Domain ".shop" do not prevent a finding of confusing similarity.

Complainant submits that it has not authorized Respondent to use the FINE'RY Mark in a domain name or in any other way. Complainant further submits that Respondent has not been commonly known by the Disputed Domain Name.

Complainant further submits that the Disputed Domain Name resolves to a website which uses the FINE'RY Mark and uses the names of other fragrances which are marketed by Complainant. The website also uses Complainant's own photographs of the various FINE'RY fragrances and fragrance names. Complainant further submits that such misuse of the Disputed Domain Name can be neither bona fide nor legitimate.

Complainant alleges that Respondent has acted in bad faith through violation of paragraph 4(b)(iv) of the Policy by intentionally attempting to attract Internet users for commercial gain.

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

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the FINE'RY Mark in which Complainant has rights;
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

[WIPO Overview 3.1](#), section 1.2.1 states that registration of a trademark, here the FINE'RY Mark, prima facie satisfies the threshold requirement of Complainant having trademark rights for purposes of standing to file a UDRP case.

Complainant has shown rights in respect of the FINE'RY Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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 FINE'RY Mark and the Disputed Domain Name. [WIPO Overview 3.1](#), section 1.7.

The entirety of the FINE'RY mark, minus the apostrophe, is reproduced within the Disputed Domain Name, and the mark remains recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the FINE'RY Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here the terms "fragrance" and "store," may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the FINE'RY 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 Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed 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 Disputed Domain Name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, here claimed as passing off, can never confer rights or legitimate interests on 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 the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the FINE’RY Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or
- (ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the FINE’RY Mark from reflecting the FINE’RY Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- (iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion

with the mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

The Panel finds that Respondent's conduct amounts to the criteria of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of the Disputed Domain Name for illegitimate activity, here claimed as passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds 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 <fineryfragrancelstore.shop> be transferred to Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: August 11, 2026