ADMINISTRATIVE PANEL DECISION

Felice Dee LLC v. Raja Digital, PT.rajadigital
Case No. D2026-3419

1. The Parties

The Complainant is Felice Dee LLC, United States of America (“United States”), internally represented.

The Respondent is Raja Digital, PT.rajadigital, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <felicedee.com> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 31, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 4, 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 (User #35c3197c Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 August 7, 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 August 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 6, 2026. The Respondent sent email communications to the Center on August 17, 2026. The Center commenced the panel appointment process on September 9, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on September 16, 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 company incorporated in July 2015 that operates a luxury eyewear retail business in New York City in the United States including a presence at Saks Fifth Avenue in Manhattan. The Complainant has not registered FELICE DEE as a trademark but the mark has consistently been used by the Complainant and its predecessor owner for more than 30 years as a common law trademark and distinctive identifier of a specific source of luxury eyewear goods and services in the relevant market.

The Complainant and its predecessors owned the Disputed Domain Name from 2008 until it lapsed in spring 2026 and used it to host a website for its multi-brand optical shops business.

The Disputed Domain Name was originally registered on March 6, 2008. The Complainant asserts that after its registration inadvertently lapsed, the Disputed Domain Name was then acquired by the Respondent "[i]n or around April 2026". The WhoIs report shows the last updated date of the Disputed Domain Name is on April 9, 2026. In June 2026, the Disputed Domain Name resolved to a webpage that was similar to the Complainant's previous website, and displayed the Complainant's trademark, references to the Complainant's three New York stores, references to various optical lenses, and a reference to EyeMed insurance identical to that displayed on the Complainant's former website. On June 23, 2026, when an Internet user clicked the "Schedule Appointment" button, the Disputed Domain Name redirected to an Indonesian-language online gambling website branded "RAJA89". By July 31, 2026, the Disputed Domain Name immediately redirected to the "RAJA89"-branded gaming and gambling website, while still referencing "Felice Dee" and purportedly offering FELICE DEE branded eyewear for sale. The Disputed Domain Name currently resolves to an advertisement for an online casino.

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 says it has unregistered common law trademark rights for the trademark FELICE DEE and also cites its use over 30 years as prima facie evidence of ownership.

The Complainant submits that its rights in the mark FELICE DEE predate the Respondent's acquisition of the Disputed Domain Name and that its "[u]se of the mark has included, without limitation: (i) physical retail signage at storefront locations in Manhattan; (ii) sales receipts, business cards, packaging, and customer-facing materials; (iii) press appearances and editorial mentions in industry publications, including Vision Monday; (iv) digital marketing and web presence at <felicedee.com>; (v) social media presence on Instagram, Facebook, and other platforms; and (vi) trade-show and supplier-relationship use of the name in commerce." The Complainant contends that "[t]he combination of (i) 30+ years of continuous commercial use, (ii) a flagship presence at Saks Fifth Avenue, (iii) editorial coverage in nationally circulated fashion press, and (iv) a multilocation retail footprint in Manhattan establishes FELICE DEE as a distinctive identifier of a specific source of luxury eyewear goods and services in the relevant market." It submits that the Disputed Domain Name is identical to its trademark, because the Disputed Domain Name is comprised of the FELICE DEE trademark and the generic Top-Level Domain ("gTLD") ".com" is to be "disregarded under the first-element analysis".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the "[t]here is no indicia of the Respondent being commonly known by 'Felice Dee'… [t]he Respondent is not commonly known by the disputed domain name… [and it] purports to offer Complainant's goods and services, but the Respondent does not operate any of the retail locations identified on the site, does not sell or service eyewear, and does not provide the optical services the site purports to offer… [t]he Respondent's use is commercial in nature (it [currently] funnels traffic to a monetized gambling website)", and that none of the circumstances set out in paragraph 4(c) of the Policy apply that would amount to a legitimate or fair use under the Policy.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to evidence that points to awareness of the Complainant and its trademark. On the issue of registration in bad faith the Complainant submits that the Respondent's "conduct following acquisition (maintaining and exploiting a fully built impersonation site referencing Complainant's specific locations, insurance arrangements, and owner by name) demonstrates registration with full knowledge of Complainant's rights and specific intent to exploit them". On the issue of bad faith use, the Complainant submits that the "ongoing impersonation of Complainant to attract and monetize traffic through redirection to unrelated gambling content, plus harvesting of consumer email addresses under Complainant's brand" amounts to use in bad faith.

B. Respondent

The Respondent sent two communications, asking "[w]ho reported this? We use the domain for SEO of our own brand, RAJA89. The Raja89 brand is ours", and further asserting that "[a]ll the accusations sent are lies, please tell the person who reported it to contact me personally. Just give this email to the reporting party".

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

(i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) that the 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

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. The Complainant has produced sufficient evidence to demonstrate that it has unregistered trademark rights in the mark FELICE DEE. The Panel finds that the term "felicedee" is one in which the Complainant has trademark rights that arise from it and its legal antecedents having used it as an identifier of goods or services the Complainant provides since 1995 to an extent that it has achieved significance as a source identifier. WIPO Overview 3.1, section 1.3.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the FELICE DEE trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark FELICE DEE; (b) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "felicedee".

The entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 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 Disputed 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.

The Panel notes that the Complainant has not authorized the Respondent to use its trademark and that there is no relationship between the Complainant and the Respondent, let alone any accurate or prominent disclosure of that relationship, or absence of such, on its website. The Panel also notes that the composition of the Disputed Domain Name carries a risk of implied affiliation (see WIPO Overview 3.1, section 2.5.1).

The use of the Complainant's trademarks and the similarity of the Parties' respective websites until shortly before the Complaint was filed suggests that the Respondent has deliberately targeted the Complainant. The Panel finds that the Respondent's activities do not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the reputation and goodwill of the Complainant's mark or capacity to otherwise mislead Internet users. Panels have held that the use of a domain name for illegitimate activity such as impersonation, copycat sites, 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.

Further, it is evident that the Respondent's website displayed following issue of the Complaint to promote an online casino remains primarily intended for commercial gain and to unfairly profit from the Complainant's reputation. WIPO Overview 3.1, section 2.5.3.

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's contentions do not rebut the Complainant's prima facie showing and the Respondent 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.

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.

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.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the Complainant's distinctive trademark, the Panel is satisfied that the Respondent deliberately targeted the Complainant's trademark FELICE DEE when it registered the Disputed Domain Name. This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant's trademark. WIPO Overview 3.1, section 3.1.4.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name was used to host a website that imitates the Complainant's in numerous respects. Panels have held that the use of a domain name for illegitimate activity here, an alleged impersonation copycat site, or passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. The Complainant supplied evidence of the misleading website and the Panel finds they are confusingly similar in many respects. The Panel accepts that the display by the Respondent on its website of the Complainant's trademark, and text referring to the Complainant would be likely to compound the confusion.

The Panel also finds that the Respondent has subsequently used the Disputed Domain Name to resolve to a gambling website presumably to earn referral revenues. The Respondent has therefore used the Disputed Domain Name to divert Internet users looking for the Complainant's website for its own commercial purposes. In the circumstances, having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under paragraph 4(b)(iv) of 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 <felicedee.com> be transferred to the Complainant.

/Nicholas Weston/
Nicholas Weston
Sole Panelist
Date: September 24, 2026