

ADMINISTRATIVE PANEL DECISION

Madison Avenue Couture Inc. v. Gary Young, Jia comb, Paffin Holtz,
Be Nesti, Masai off
Case No. D2026-3525

1. The Parties

Complainant is Madison Avenue Couture Inc., United States of America ("United States"), represented by CM Law, LLP, United States.

Respondents are Gary Young, Jia comb, Paffin Holtz, Be Nesti, Masai off, United States.

2. The Domain Names and Registrar

The disputed domain names <madisonavenuecoutureluxury.shop>, <getmadisonavenuecouture.shop>, <madisonavenuecoutureonline.shop>, <madisonavenuecoutureshop.shop>, and <madisonavenuecouturestyle.shop> (the "Domain Names") are registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 7, 2026. On August 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On August 12, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Dynadot Privacy Service) and contact information in the Complaint.

The Center sent an email communication to Complainant on August 12, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. Complainant filed an amendment to the Complaint on August 12, 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 Respondents of the Complaint, and the proceedings commenced on August 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on September 3, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on September 3, 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

Since May 2018, Complainant, an online retail company located in New York, United States, has featured and sold women's apparel, footwear, handbags through its online store at the domain name <madisonavenuecouture.com>, using its MADISON AVENUE COUTURE trademark. Complainant's revenue in 2018 was over USD 7 million and in 2025, Complainant's revenue was over USD 50 million.

Complainant owns United States registered trademark number 7,437,946 for the MAC MADISON AVENUE COUTURE figurative mark, featuring stylized intertwined letters MAC with the words MADISON AVENUE next to and the word COUTURE under the words MADISON AVENUE, with the disclaimer on the words "MADISON AVENUE COUTURE". This trademark was registered on July 9, 2024, with a first use date of May 1, 2018. Complainant also submits that it has common law trademark rights for the MADISON AVENUE COUTURE mark, and applied to register MADISON AVENUE COUTURE in the United States on July 17, 2026 under the serial number 99,946,895.

The Domain Name <madisonavenuecoutureluxury.shop> was registered on June 11, 2026; the Domain Name <madisonavenuecouturestyle.shop> was registered on July 16, 2026; and the remaining three Domain Names were registered on June 12, 2026. The Domain Names each resolves to substantially identical websites that display Complainant's trademarks, with the same look and feel as Complainant's online store, and purportedly offer goods that are very similar to those offered by Complainant.

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 Names.

Notably, Complainant contends that: (i) the Domain Names are confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Names; and (iii) Respondent registered and is using the Domain Names in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for MADISON AVENUE COUTURE and that Respondent registered and is using the Domain Names with the intention to confuse Internet users looking for bona fide and well-known MADISON AVENUE COUTURE products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use the Domain Names, which include Complainant's trademarks, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Names. Rather, Complainant contends that Respondent has acted in bad faith in registering and using the Domain Names, when Respondent clearly knew of Complainant's rights.

Specifically, Complainant argues that Respondent is using the Domain Names to resolve to substantially identical websites that display Complainant's registered trademark, with the same look and feel as Complainant's online store, and offer goods that are very similar to those offered by Complainant.

B. Respondents

Respondents did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control, for the following main reasons:

Respondents have published webpages on their respective websites that are identical. Furthermore, the phone number of Respondent in relation to the Domain Name <madisonavenuecoutureluxury.shop> is not registered to any person. Additionally, at least some of the contact details of Respondents appear to be fictitious.

The domain name registrants did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of: (i) the registrants' identity(ies) including pseudonyms; (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities; (iii) relevant IP addresses, name servers, or webhost(s); (iv) the content or layout of websites corresponding to the disputed domain names; (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector); (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>); (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue; (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s); (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s); (x) any (prior) pattern of similar respondent behavior; or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).

As regards common control, the Panel notes the close proximity of the registration dates of all five Domain Names, the use of the same Registrar, the highly similar composition of the Domain Names, the nearly identical websites hosted on all five Domain Names, and the similarities in providing seemingly false contact information for Respondents.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different domain name registrants (referred to below as "Respondent") in a single proceeding.

6.2 Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Names are 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 Names; and
- (iii) the Domain Names were registered and are being used in bad faith.

Section 4.3 of the [WIPO Overview 3.1](#) states that failure to respond to a complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its registered rights in the MAC MADISON AVENUE COUTURE stylized trademark, as noted above. The Panel finds that such registration is sufficient to establish trademark rights for purposes of paragraph 4(a)(i) of the Policy.

Despite the disclaimer on the words "MADISON AVENUE COUTURE" in Complainant's registered trademark, Complainant also claims it has unregistered trademark rights in MADISON AVENUE COUTURE. It is well settled that the term "trademark or service mark" as used in paragraph 4(a)(i) of the Policy encompasses both registered and unregistered marks. See, e.g., *The British Broadcasting Corporation v. Jaime Renteria*, WIPO Case No. [D2000-0050](#); *United Artists Theatre Circuit, Inc. v. Domains for Sale Inc.*, WIPO Case No. [D2002-0005](#); see also section 1.1.1 of the [WIPO Overview 3.1](#).

To establish unregistered or common law rights in MADISON AVENUE COUTURE as a trademark, Complainant must show it acquired secondary meaning, i.e., that the public associates the asserted mark with Complainant's services. See *CPP, Inc. v. Nokta Internet Technologies*, WIPO Case No. [D2008-0591](#) (holding that when relying on unregistered or common law rights in UDRP proceedings, "the Complainant must adduce sufficient evidence to demonstrate that the claimed mark has in fact been used as a mark labeling goods or services and, through its use, attracted significant goodwill and reputation associated with the Complainant's goods or services in a definable market"); section 1.3 of the [WIPO Overview 3.1](#).

The Panel notes that Complainant has been using the MADISON AVENUE COUTURE trademark in connection with the online retail store services at www.madisonavenuecouture.com, featuring women's apparel, footwear, handbags, and jewelry, since 2018. Revenue in 2018 was in excess of USD 7 million. Annual revenue exceeded USD 10 million in 2020 and increased to more than USD 50 million in 2025. The websites at the Domain Names prominently displayed Complainant's registered MAC MADISON AVENUE COUTURE stylized trademark and closely replicated the look and feel of Complainant's official website. Moreover, the evidence shows a customer attempted to purchase a bag from the website associated with one of the Domain Names but had difficulty at the payment page, and contacted Complainant seeking assistance. Such use of the Domain Names clearly demonstrates Respondent's intention to target Complainant and its trademarks and cause customer confusion. In view of the above, the Panel finds that Complainant has established unregistered or common law trademark rights in MADISON AVENUE COUTURE for purposes of the Policy. The registered MAC MADISON AVENUE COUTURE stylized trademark and MADISON AVENUE COUTURE trademark will be referred to hereafter collectively as the "MADISON AVENUE COUTURE trademark".

With Complainant's rights in the MADISON AVENUE COUTURE trademark established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the Top-Level Domain in which each Domain Name was registered (in this case, ".shop"), are identical or confusingly similar to Complainant's trademark.

The MADISON AVENUE COUTURE trademark is recognizable in the Domain Names. Although the Domain Names include the additional terms "luxury", "get", "online", "shop" or "style", the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Names and Complainant's trademark. See sections 1.7 and 1.8 of the [WIPO Overview 3.1](#). Moreover, the use of Complainant's MADISON AVENUE COUTURE trademark on the website associated with the Domain Names, together with the evidence of actual customer confusion, demonstrates that Respondent seeks to target Complainant's trademark through the Domain Name, which further confirms the confusing similarity between the Domain Names and Complainant's trademark. See section 1.15 of the [WIPO Overview 3.1](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. [WIPO Overview 3.1](#), Section 2.1. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its trademark and does not have any rights or legitimate interests in the Domain Names. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use its trademark or to seek registration of any domain name incorporating the trademark. Respondent is also not known to be associated with the MADISON AVENUE COUTURE trademark and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of the filing of the Complaint, the Domain Names each resolved to websites that reflect products offered by Complainant, Complainant's trademark, and the overall look and feel of Complainant's official website.

Such use by Respondent does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Names.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you 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 complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the MADISON AVENUE COUTURE trademark predate the registration of the Domain Names. Complainant is also well established and known; indeed, the record shows that Complainant’s MADISON AVENUE COUTURE trademark and related products and services are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the MADISON AVENUE COUTURE trademark when it registered the Domain Names.

The Panel therefore finds that Respondent’s awareness of Complainant’s trademark rights at the time of registration suggests bad faith. [WIPO Overview 3.1](#), Section 3.2.2.

Moreover, Respondent is using the Domain Names to confuse and mislead consumers looking for bona fide services offered under the MADISON AVENUE COUTURE trademark. In particular, the record shows that the Domain Names each resolved to websites that reflect Complainant’s trademark and the overall look and feel of Complainant’s official website, promoting products that are similarly offered by Complainant. In particular, each of these websites prominently displays Complainant’s stylized MAC MADISON AVENUE COUTURE mark and uses Complainant’s trademarks throughout the related websites.

Therefore, by using the Domain Names as described above, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s websites by creating a likelihood of confusion with Complainant’s trademarks as to the source, sponsorship, affiliation, or endorsement of Respondent’s websites. Such use of the Domain Names resulted in actual confusion by an online customer, who attempted to purchase a bag from the website associated with one of the Domain Names but had difficulty at the payment page, and contacted Complainant in order to obtain assistance, as shown in the record. Such use of the Domain Names may potentially result in tarnishing Complainant’s reputation and goodwill.

Finally, the Panel also notes the failure of Respondent to submit a response. Having reviewed the available record, the Panel finds that Respondent registered and is using the Domain Names in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Names <madisonavenuecoutureluxury.shop>, <getmadisonavenuecouture.shop>, <madisonavenuecoutureonline.shop>, <madisonavenuecoutureshop.shop>, and <madisonavenuecouturestyle.shop> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: September 3, 2026