

ADMINISTRATIVE PANEL DECISION

AVBM Limited, Temperley Holdings Limited v. Paola Garrison
Case No. D2026-3563

1. The Parties

The Complainants are AVBM Limited (“First Complainant”), United Kingdom; and Temperley Holdings Limited (“Second Complainant”), United Kingdom, represented by Maucher Jenkins, United Kingdom.

The Respondent is Paola Garrison, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <tempaire.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 August 11, 2026. On August 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 21, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on August 26, 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 the Respondent of the Complaint, and the proceedings commenced on August 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 17, 2026.

The Center appointed Mireille Buydens as the sole panelist in this matter on September 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

The Complainants are two parent companies, active in the field of fashion brand specializing in British luxury women's clothing, shoes, accessories, made-to-order bridal gowns and interiors. The First Complainant is the owner of the trademark portfolio and the second Complainant is responsible for all business operations using the trademarks TEMPERLEY, TEMPERLEY LONDON or SOMERSET BY ALICE TEMPERLEY.

The First Complainant is the owner of a large portfolio of trademark registrations for the TEMPERLEY trademark worldwide (hereafter "the TEMPERLEY Trademark" or "the Trademark"), including the following registrations:

- United Kingdom trademark registration No. UK00004030035 for TEMPERLEY (word mark) registered on June 21, 2024;
- United Kingdom trademark registration No. UK00004116766 for TEMPERLEY LONDON (word and design mark) registered on January 31, 2025; and
- United States trademark registration no. 8148095 for TEMPERLEY (word mark) registered on February 24, 2026;

The Complainants operate their own retail channels and also offer their products online through their official website at the domain name <temperleylondon.com>.

The disputed domain name was registered on May 19, 2026. According to the Complaint, the disputed domain name resolves to a website reproducing the Complainants' TEMPERLEY Trademark, the Complainants' product names and product pictures, and presenting itself as "official store / luxury women's fashion / Temperley". At the date of this Decision, the disputed domain name refers to an error page.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

First, the Complainants contend that the disputed domain name is confusingly similar to the Complainants' TEMPERLEY Trademark. The disputed domain name incorporates a recognisable element of the TEMPERLEY Trademark, namely the letters "temp", and only differs in its ending "aire" instead of "erley" which are phonetically similar as the letters "er" and "aire" share an identical pronunciation. The generic Top-Level Domain ".shop" is a standard registration requirement and is disregarded for the purposes of the confusing similarity assessment.

Second, the Complainants contend that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainants have not authorised, licensed or otherwise permitted the Respondent to use the TEMPERLEY Trademark. The Respondent is not an authorised retailer, distributor or commercial partner of the Complainants. Further, the Complainants contend that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Respondent is using the disputed domain name to operate a website which reproduces the Complainants' branding and

marketing materials in a manner calculated to create the false impression of an association with, or authorisation by, the Complainants. The website fails to accurately disclose the Respondent's lack of relationship with the Complainants and instead seeks to impersonate, or create the false impression of an affiliation with, the Complainants, by using the TEMPERLEY Trademark, the same product names as the Complainants and the same product pictures. The Complainants further explain that the website under the disputed domain name explicitly refers to the Complainants' original designer Alice Temperley and uses the email address "[...][@temperley.com](mailto:[...]@temperley.com)".

The Complainants finally contend that the Respondent registered and uses the disputed domain name in bad faith. Concerning the registration in bad faith, the Complainants contend that, while the disputed domain name does not reproduce the entirety of the Complainants' TEMPERLEY Trademark, the Respondent's subsequent use of the disputed domain name demonstrates that it was registered with the Complainants and their brand specifically in mind. The disputed domain name resolves to a website reproducing the Complainants' product names, product images, and other brand elements and referring to the Complainants' original designer Alice Temperley. This constitutes compelling evidence that the Respondent was aware of the Complainants and their Trademark rights at the time of registration.

Concerning the use in bad faith, the Complainants contend that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainants' TEMPERLEY Trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website and the goods offered through it. This conclusion is reinforced by the Respondent's use of images misappropriated from the Complainants' website.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Dealing with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainants prove each of the following three elements in order to succeed in their Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was 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 complainants' trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainants have 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 Panel finds the TEMPERLEY Trademark is recognizable within the disputed domain name. The disputed domain name incorporates a recognisable element of the TEMPERLEY Trademark, namely the letters “temp”, and only differs in its ending as “erley” is replaced by “aire” in the disputed domain name. The content of the website associated with the domain name is usually disregarded by panels when assessing confusing similarity under the first element. In some instances, panels have however taken note of the content of the website associated with a domain name to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name. [WIPO Overview 3.1](#), section 1.15. In the present case, the Panel takes into account the fact that the disputed domain name resolved to a website prominently displaying the TEMPERLEY Trademark, and using TEMPERLEY in the texts and the email address reproduced on the website, while also presenting itself as operated by the Complainants and also containing a copyright notice using the TEMPERLEY Trademark (“©2026 Temperley. All rights reserved”). These elements evidence the fact that the Respondent targets the Complainants’ TEMPERLEY Trademark. Accordingly, the disputed domain name is confusingly similar to the TEMPERLEY Trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The generic Top-Level Domain “.shop” is a standard registration requirement and is disregarded for the purposes of the confusing similarity assessment.

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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ 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.

According to the Complaint, which has not been rebutted by the Respondent, the Respondent is not licensed by, nor affiliated with, the Complainants in any way. The Respondent is not an authorized dealer, distributor, or reseller of the Complainants. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either.

On the contrary, the Panel first notes that the disputed domain name adopts a variant ending that may evoke the pronunciation of the Trademark. The Panel further notes the impersonating nature of the content exhibited on the website at the disputed domain name: the website prominently reproduces the TEMPERLEY Trademark, contains pictures that are identical to the pictures on the Complainants’ official website, offers identical products, and also claims to be the Complainants (“Temperley is a premier fashion

destination dedicated to curating timeless collections (...). We specialize in high-quality apparel (...). Our brand serves as a bridge between high-fashion runways and modern wardrobe"). The website under the disputed domain name further uses a support email address which directly incorporates the TEMPERLEY Trademark and also and contains a copyright notice using the TEMPERLEY Trademark ("©2026 Temperley. All rights reserved").

In the Panel's view, these elements, combined with the highly discounted prices for the products offered for sale on the website, demonstrate that the disputed domain name is being used for an online shop intended to deceive consumers seeking the Complainants' genuine products. The Respondent induces Internet users into falsely believing that the disputed domain name resolves to a website operated or endorsed by the Complainants. Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, 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.

Concerning the registration in bad faith, the Respondent has composed the disputed domain name by reproducing the first letters of the TEMPERLEY Trademark ("temp"), followed by the ending "aire". The Panel notes that disputed domain name adopts a variant ending that may evoke the pronunciation of the Trademark. Noting the near instantaneous and global reach of the Internet and search engines, and particularly where the complainant's trademark is widely known as it is the case here, and the respondent cannot credibly claim to have been unaware of the trademark, panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be confusingly similar to a complainant's mark. [WIPO Overview 3.1](#), section 3.2.2. Taking into account the reputation of the Complainants' TEMPERLEY Trademark, registered notably in the United States where the Respondent is purportedly located, the Panel takes the view that the Respondent was well aware of the Complainants' TEMPERLEY Trademark when it registered the disputed domain name and registered it with the intention to mislead Internet users into believing that the disputed domain name is affiliated with, or endorsed by, the Complainants. This conclusion is reinforced by the fact that, as explained above, the disputed domain name resolves to a website impersonating the Complainants.

Panels have held that the use of a domain name for illegitimate activity, here impersonating or passing off, constitutes bad faith. In the present case, as explained above, the disputed domain name resolves to a website offering products which are identical to the products sold by the Complainants, using the same products pictures as on the Complainants' official website. The Respondent further passes itself off as the Complainants: the website prominently depicts the TEMPERLEY Trademark, contains wording presenting the website as being a TEMPERLEY website ("Temperley is a premier fashion destination (...) (...). We specialize in high-quality apparel (...). Our brand serves as a bridge between high-fashion runways and modern wardrobe"), and contains no disclaimer explaining the (lack of) relationship with the Complainants. As explained above, the website further uses a support email address reproducing the TEMPERLEY Trademark and contains a copyright notice also using the TEMPERLEY Trademark ("©2026 Temperley. All rights reserved"). The Panel further notes that the products are offered for sale at highly discounted prices compared to the prices on the Complainants' official website. In light of this, it seems inconceivable that the Respondent would have registered and used the disputed domain name for a reason other than seeking to unduly benefit from the Complainants, their TEMPERLEY Trademark, and associated goodwill.

Having reviewed 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 Complainants have 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 <tempaire.shop> be transferred to the Complainants.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: September 30, 2026