

ADMINISTRATIVE PANEL DECISION

Leon Max, Inc. v. Roman Smith

Case No. D2026-3602

1. The Parties

The Complainant is Leon Max, Inc., United States of America ("United States"), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

The Respondent is Roman Smith, United States.

2. The Domain Name and Registrar

The disputed domain name <maxstudioshop.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 12, 2026. On August 13, 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 (Withheld For Privacy Ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 14, 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 amended Complaint on August 18, 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 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 15, 2026.

The Center appointed William F. Hamilton as the sole panelist in this matter on September 21, 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 California corporation that designs and sells women's clothing under the name MAX STUDIO (the "Mark"). The Complainant states that the MAX STUDIO brand was established in 1979, and that it sells MAX STUDIO products through its storefront on Amazon and through retailers (Annexes F, G, and H to the Complaint).

The Complainant holds United States Trademark Registration No. 1,358,151 for MAX STUDIO, registered on September 3, 1985, for clothing in class 25, including pants, dresses, jackets, skirts, shirts, and blouses, and United States Trademark Registration No. 6,053,854 for MAX STUDIO, registered on May 12, 2020, for lingerie and related goods in class 25 (Annex J to the Complaint). The Complainant also holds trademark registrations for MAX STUDIO in other jurisdictions, including Australia, Canada, China, the European Union, Japan, Mexico, Singapore, and the United Kingdom (Annex K to the Complaint).

The disputed domain name was registered on March 30, 2026 (Annex A to the Complaint).

On August 11, 2026, the disputed domain name resolved to a website titled "Max Studio Official Website | Women's Dresses, Pants & Tops" (Annex B to the Complaint). The website displays "MAX STUDIO" in stylized lettering, and its footer reads "© 2026 Max Studio - All rights reserved" below a street address in Panama City, Florida (Annex B to the Complaint). The website's About Us page refers to Max Studio in the first person, attributes the founding of the brand to Max Azria, which the Complainant states is inaccurate, and does not state that the website is unaffiliated with the Complainant (Annex O to the Complaint).

The website presents product pages for dresses and pants under the MAX STUDIO name, with images that appear in Amazon listings for MAX STUDIO products (Annex N to the Complaint). The Respondent's website does not itself sell the products. Visitors who attempt a purchase at the Respondent's website are redirected to Amazon search results for "Max Studio" through a link carrying an affiliate tag. The website's Terms and Conditions state that "Max Studio" participates in the Amazon Services LLC Associates Program and may earn a commission on purchases made through its links (Annex L to the Complaint).

The Respondent's website pages also display third-party advertisements labeled "Ad powered by advergic.com" (Annexes M and N to the Complaint). Advergic describes itself as an advertising technology company that helps website publishers increase their advertising revenue (Annex M to the Complaint).

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.

The Complainant contends that it has rights in the Mark through its trademark registrations and more than 40 years of use. It contends that the disputed domain name is confusingly similar to the Mark because it incorporates the Mark in its entirety, without the space, and adds only the term "shop" and the ".com" generic Top-Level Domain ("gTLD"). The Complainant further contends that, because it sells clothing, the added term "shop" makes confusion more likely.

The Complainant contends that it has never authorized the Respondent to use the Mark and has no relationship with the Respondent. It contends that the Respondent uses the disputed domain name for a website that impersonates the Complainant's official website, using the Mark as the website's name, images

copied from the Complainant, an About Us page that speaks as the Complainant, and the absence of any disclaimer. The Complainant contends that the website sells nothing itself and exists to earn commissions through the Amazon affiliate program and revenue from third-party advertising. The Complainant contends that this use is not a bona fide offering of goods or services, and that even a reseller would not qualify because the website does not disclose the absence of a relationship with the Complainant.

The Complainant contends that the Respondent registered and uses the disputed domain name in bad faith. It contends that the Respondent knew of the Complainant and the Mark when it registered the disputed domain name, and that the Respondent intentionally attempts to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Mark, within paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

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

The Complainant has shown rights in respect of a trademark for the purposes of the Policy through its registrations for the Mark (Annex J to the Complaint). [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Mark is reproduced within the disputed domain name, without the space. Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. The gTLD ".com" is disregarded under the first element. [WIPO Overview 3.1](#), section 1.11.1.

Although the addition of the term "shop" may bear on assessment of the second and third elements, the Panel finds the addition of that term does not prevent a finding of confusing similarity between the disputed domain name and the 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 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.

The Complainant states that it has not authorized the Respondent to use the Mark, and the Respondent has not contended otherwise. The Respondent used the disputed domain name for a website that presents itself as the Complainant's official website, displays the Mark as its name, speaks as the Complainant, and contains no disclaimer (Annexes B and O to the Complaint). The website sells nothing itself and directs visitors to Amazon and to third-party advertising for the Respondent's commercial gain (Annexes L, M, and N to the Complaint). That use is not a bona fide offering of goods or services and is not a legitimate noncommercial or fair use. A reseller or distributor must, among other requirements, accurately disclose its relationship with the trademark owner, and the Respondent's website does the opposite. [WIPO Overview 3.1](#), section 2.8. A domain name that consists of a mark plus an additional term cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.1](#), section 2.5.1.

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 has not rebutted the 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 illegal activity, here passing off by way of a website presented as the Complainant's official website, 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. In the present case, the Panel notes that the Respondent used the disputed domain name to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Mark, within paragraph 4(b)(iv) of the Policy. 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.

The Complainant's registration for the Mark dating from 1985 predates the registration of the disputed domain name by decades. The disputed domain name combines the Mark in its entirety with "shop," a term that suggests an online store for the Complainant's clothing, and the Respondent's website displays the Mark as its name, presents itself as the Complainant's official website, and uses product images that appear in Amazon listings for the Complainant's products (Annexes B, N, and O to the Complaint). The Respondent therefore targeted the Mark. [WIPO Overview 3.1](#), section 3.2.2.

The Respondent used the disputed domain name to impersonate the Complainant. The Respondent's website sells nothing itself, directs visitors seeking to purchase to Amazon through an affiliate arrangement, and displays third-party advertisements (Annexes L, M, and N to the Complaint). Its content is likely to lead Internet users to believe that it originates with, or is affiliated with, the Complainant. That use falls squarely within paragraph 4(b)(iv) of the Policy. Panels have held that the use of a domain name for illegal activity, here passing off by way of a website presented as the Complainant's official website, constitutes bad faith. [WIPO Overview 3.1](#), section 3.1.4.

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 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 <maxstudioshop.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: October 3, 2026