ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Lily and Fox, Inc. v. Vincent Biel
Case No. D2026-4299

1. The Parties

Complainant is Lily and Fox, Inc., United States of America ("United States"), represented by DLA Piper US LLP, United States.

Respondent is Vincent Biel, United States.

2. The Domain Name and Registrar

The disputed domain name <lilyandfoxshop.com> is registered with Dynadot Inc. ("Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center ("Center") on September 23, 2026. On September 24, 2026, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 2026, Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named "Dynadot Privacy Service" as Respondent). The Center sent an email communication to Complainant on September 25, 2026, providing the registrant and contact information disclosed by Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 25, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy ("Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy ("Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on October 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 27, 2026.

The Center appointed Debra J. Stanek as the sole panelist in this matter on October 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 was founded in 2017 and provides products for wrapping and decorating nails, including at retail online under the LILY AND FOX mark. Complainant owns a United States registration for the mark (Reg. No. 5,833,016), issued August 13, 2019, for a variety of cosmetics and related products, including nail cosmetics and nail polish. Complainant also has a website at "www.lilyandfox.com".

The disputed domain name was created on August 22, 2026. At the time the Complaint was filed and at the time of this Decision, it resolves to an e-commerce website that offers nail art products[1].

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Notably:

- The disputed domain name consists of the entire LILY AND FOX mark followed by the descriptive term "shop".[2]

- Respondent has no legitimate interest in the disputed domain name and has registered and is using the disputed domain name in bad faith as evidenced by the fact that the disputed domain name resolves to a copy of Complainant's website at "www.lilyandfox.com".

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

The Panel determines that "Vincent Biel" is the appropriate Respondent. See WIPO Overview 3.1, section 4.4.5 (in cases involving a privacy service, the panel has discretion to determine appropriate respondent).

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 Complainant's trademark and the disputed domain name. WIPO Overview 3.1, section 1.7.

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[1] The screenshot in Complainant's Annexes of the website to which the disputed domain name resolves is of poor quality, perhaps as a result of file compression. In addition, the descriptions in Complainant's list of Annexes do not match the Annexes themselves (e.g., Annex B, described as Registrar's "Terms of Use," is the 2013 Registrar Accreditation Agreement; Annex H, described as a decision under the Policy, is a screenshot of Complainant's website; and Annex I, described as the same as Annex H, is a different decision). These issues do not, however, affect the analysis or outcome in this proceeding.

[2] The Complaint mistakenly states that the disputed domain name "incorporates the term 'ands' instead of 'and'."

Complainant has 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 disputed domain name is not identical to Complainant's mark; however, the entire mark (minus the spaces between "lily", "and", and "fox") is reproduced in the disputed domain name, and the LILY AND FOX mark is clearly recognizable. 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 addition of the term "shop" may bear on assessment of the second and third elements, but the Panel finds the addition 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 domain name (although the burden of proof remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent is not affiliated with Complainant. 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[3].

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of circumstances that may indicate that a domain name was registered and used in bad faith for purposes of paragraph 4(a)(iii) of the Policy. The list is not exhaustive; other circumstances may be relevant. WIPO Overview 3.1, section 3.2.1.

Complainant's evidence establishes that its registration of the LILY AND FOX mark predates registration of the disputed domain name by seven years and that Respondent knew of Complainant and Complainant's mark. Respondent's knowledge is shown by the fact that his website features Complainant's LILY AND FOX mark and closely resembles Complainant's website. Respondent did not respond to the Complaint. The Panel finds that Respondent used the LILY AND FOX mark to target visitors who would believe the website was Complainant's. Under these circumstances, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds the third element of the Policy has been established.

[3] By way of example only, and without suggesting that such an argument would have been successful, Respondent might have presented evidence to support an argument that its use was a fair use.

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 <lilyandfoxshop.com> be transferred to Complainant.

/Debra J. Stanek/
Debra J. Stanek
Sole Panelist
Date: November 6, 2026