

ADMINISTRATIVE PANEL DECISION

STIIIZY IP LLC v. Name Redacted

Case No. DAU2025-0047

1. The Parties

The Complainant is STIIIZY IP LLC, United States of America (“United States”), represented by Conley Law, P.C., United States.

The Respondent is Name Redacted. ¹

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 4, 2025. On October 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 6, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 10, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 30, 2025. The Center received a communication on October

¹The Respondent appears to have used the name and/or contact details of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.

15, 2025, from the registrant contact listed in the record, with a different email address than the one confirmed by the Registrar.

The Center appointed Nicholas Weston as the sole panelist in this matter on November 5, 2025. 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 incorporated company that operates a business in regulated cannabis markets within the United States in connection with a broad range of cannabis products, vaporizer accessories, lifestyle apparel, and consumer goods. The Complainant holds registrations for the trade mark STIIIZY and variations of it in several countries, including Australian Trade Mark No. 1984132 for the (word) mark STIIIZY, registered on July 1, 2020, in classes 5,9, 25, 30, 34, 35 and 44; Australian Trade Mark No. 1984117 for the (stylized) mark STIIIZY, registered on October 21, 2019, in classes 5, 9, 25, 30, 34, 35 and 44; and United States Trade Mark No. 5,710,734 for the (word) mark STIIIZY, registered on March 26, 2019, in classes 25 and 34.

The Complainant is also the owner of the domain name <stiiizy.com>, which resolves to its main website.

The Disputed Domain Name was registered on July 31, 2025. The Complainant has provided evidence that the Disputed Domain Name resolved to a website that resembled the Complainant's website and displayed its products, trade mark and marketing content. The Disputed Domain Name is currently inactive.

5. Parties' Contentions

A. Complainant

The Complainant cites its trade mark registrations of the trade mark STIIIZY in various jurisdictions, as prima facie evidence of ownership.

The Complainant submits that the mark STIIIZY is distinctive and that its rights in the mark predate the registration of the Disputed Domain Name. It submits that the Disputed Domain Name is identical to its trade mark STIIIZY, because the Disputed Domain Name "is composed entirely of Complainant's distinctive mark" and that any confusing similarity is not alleviated by "the ".com.au" country code Top-Level Domain ("ccTLD")."

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Respondent has no trade mark rights in, license to use, or association with the STIIIZY mark. The Complainant contends that "Complainant has not authorized Respondent to use the STIIIZY mark in any manner, nor is Respondent affiliated with or endorsed by Complainant. Respondent is not, and has never been, a licensee of Complainant and has no permission to use the STIIIZY name or branding". Further, the Complainant contends that the Disputed Domain Name resolves to a website that "features prominent use of Complainant's STIIIZY mark, logo, product names, and branding elements, and presents a checkout flow that mimics a legitimate e-commerce platform." The Complainant further contends that "Complainant also does not license third parties to operate ecommerce sites purporting to sell STIIIZY-branded cannabis products—especially not in jurisdictions where those products are not legally sold. STIIIZY products are not offered for sale in Australia, and the Complainant does not operate any authorized sales channels in the Australian market."

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith. On the issue of registration, the Complainant contends that the Respondent must

have had the STIIIZY trade mark in mind when it registered the Disputed Domain Name given “[t]he STIIIZY brand is in widespread use throughout the United States and internationally” and infers the Respondent has targeted the Complainant given it “is actively engaged in a fraudulent scheme designed to mislead consumers and unlawfully exploit the goodwill of Complainant’s well-known trademark.”

On the issue of use, the Complainant has supplied evidence that the Disputed Domain Name resolved to a webpage “designed to impersonate Complainant and mislead consumers into believing it is an official or authorized source of STIIIZY branded cannabis products [...] [despite the fact that] [...] Complainant does not sell cannabis products in Australia. [...] STIIIZY products are not distributed in Australia and cannot lawfully be sold there. Complainant does not license third parties to operate e-commerce platforms offering STIIIZY-branded cannabis products— particularly not in jurisdictions where those products are not legally permitted.”

B. Respondent

The Respondent did not reply to the Complainant’s contentions. On October 15, 2025, the registrant contact listed in the record, with a different email address than the one confirmed by the Registrar contacted the Center regarding the claimed unauthorized use of its identity and contact details in relation to the Disputed Domain Name in the present proceedings.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that, for the Complainant to succeed, it has the burden of proving the following:

- (i) that the Disputed Domain Name is identical or confusingly similar to a name, trade mark 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 or subsequently used in bad faith.

A. Identical or Confusingly Similar

The Complainant must first establish that the Disputed Domain Name is identical with, or confusingly similar to, the Complainant’s name, trade mark or service mark by demonstrating that it has rights in one of the aforementioned at the date the Complaint was filed and, if that is the case, the Disputed Domain Name must also be identical or confusingly similar to it.

This Panel finds that the Complainant has rights in the STIIIZY trade mark acquired through use and registration.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the STIIIZY trade mark, the Panel observes that the Disputed Domain Name comprises: (a) an exact reproduction of the Complainant’s trade mark STIIIZY; (b) followed by the TLD “.com.au”.

It is well established that the TLD used as technical part of a domain name may be disregarded (see: *BT Financial Group Pty Limited v. Basketball Times Pty Ltd*, WIPO Case No. [DAU2004-0001](#)). The comparison to be made is with the Second-Level portion of the Disputed Domain Name, specifically: “stiiizy”.

It is also well established that, where a domain name incorporates the entirety of a trade mark (and only the trade mark), the domain name will normally be considered identical to that mark for purposes of auDRP standing.

Accordingly, the Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Paragraph 4(c) of the Policy provides a list of non-exhaustive circumstances any of which is sufficient to demonstrate that the Respondent has rights or legitimate interests in the Disputed Domain Name:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organisation) has been commonly known by the Disputed Domain Name even if the Respondent has acquired no trade mark or service mark rights; or
- (iii) the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the STIIIZY trade mark. The Panel finds on the record that there is therefore a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and the burden is thus on the Respondent to produce evidence to rebut this presumption, see: *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. [DAU2002-0001](#).

The Respondent has failed to submit a Response and so has not shown that it has acquired any trade mark rights in respect of the Disputed Domain Name or that the Disputed Domain Name is used in connection with a bona fide offering of goods or services. There is no evidence to suggest that the Respondent has rights or a legitimate interest in the Disputed Domain Name, and the evidence is that the Disputed Domain Name resolved to a webpage that apes the Complainant's. In the circumstances, such use does not amount to a bona fide offering of goods or services under the Policy. There has been no evidence adduced to show that the Respondent has been commonly known by the Disputed Domain Name, nor does any of the evidence demonstrate that the Respondent is making legitimate non-commercial or fair use of the Disputed Domain Name.

The minimum criteria to be satisfied before an unauthorised reseller's use of a domain name can be held to constitute a bona fide offering of goods or services under the Policy must be satisfied are set out in a case applied by numerous past auDRP (and UDRP) panels, *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki Data"), as follows² :

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must offer only those goods or services in connection with the disputed domain name;
- (iii) the respondent must accurately disclose its true relationship with the trademark owner prior to notice of the dispute; and

² Noting the substantial substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has referred to prior UDRP cases and the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), where appropriate.

(iv) the respondent must not have attempted to “corner the market” in all relevant domain names that reflect the trade mark.

This Panel accepts the uncontested prima facie evidence that the Respondent is not an authorized reseller with a legitimate interest in a domain name incorporating a Complainant’s mark, and there is no disclaimer on the website the Disputed Domain Name resolves to. The Panel therefore finds that, while the Respondent satisfies the first and second tests in Oki Data, it fails to satisfy the third and fourth tests. The Respondent has used the Disputed Domain Name to promote the sale of STIIIZY products but also has registered the main ccTLD for the trade mark, and has failed to disclose its true relationship with the Complainant as an unauthorized dealer or reseller. The Respondent cannot, therefore, meet the Oki Data criteria (see: *Ford Motor Company of Australia Ltd. / Ford Motor Company of Canada, Ltd. / Ford Motor Company v. E.K.W. Auto Parts Recyclers Pty. Ltd., Munum Pty Ltd / Fordparts Recyclers Pty. Ltd.*, WIPO Case No. [DAU2018-0034](#)).

In the absence of a Response, the Panel finds that the Complainant has prior rights in the STIIIZY trade mark which precede the Respondent’s registration of the Disputed Domain Name by at least 5 years.

Further, the Disputed Domain Name is identical to the Complainant’s trade mark, there is an absence of any relationship between the Respondent and the Complainant, and a risk of implied false affiliation of the Respondent with the Complainant. The Panel finds the Respondent’s use of the Disputed Domain Name is neither a bona fide use nor a legitimate non-commercial or fair use.

The Panel therefore finds that the Complaint fulfils the second condition in paragraph 4(a)(ii) of the Policy.

C. Registered or Subsequently Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy the Complainant must demonstrate that the Respondent has registered or used the Disputed Domain Name in bad faith. Unlike the position under the UDRP, this is not a conjunctive requirement. It is sufficient to establish only one or the other.

Applying the Policy, evidence of use in bad faith will be shown under paragraph 4(b)(iv) of the Policy where by using the domain name, a respondent has intentionally attempted to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location. The circumstances identified in paragraph 4(b) of the Policy, however, are examples of registration or use in bad faith and not an exhaustive listing of such circumstances.

On the issue of registration, the Panel finds that the Respondent targeted the relevant trade mark. The Panel finds that the Respondent has taken the Complainant’s trade mark and incorporated it into the Disputed Domain Name without the Complainant’s consent or authorization, for the very purpose of capitalizing on the reputation of the trade marks by diverting Internet users to its webpage along with its products, marketing content and branding, presumably to generate revenue.

On the issue of use, the evidence is that the Disputed Domain Name resolved to a webstore that unlawfully offers the Complainant’s products for sale in Australia, unconnected with any bona fide supply of goods or services by the Respondent. This Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its webpage by creating a likelihood of confusion with the Complainant’s name or mark as to the source, sponsorship, affiliation, or endorsement of that website or of a product or service on that website contrary to paragraph 4(b)(iv) of the Policy.

Following notification of the Complaint, the Disputed Domain Name is no longer used and resolves to a page provided by the Registrar. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the Disputed Domain Name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that

have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trade mark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and the Respondent's use of false contact details as evidenced by communication received from the registrant contact regarding the claimed unauthorized use of its identity and contact details in relation to the Disputed Domain Name in the present proceedings. Therefore, the Panel finds that in the circumstances of this case the current passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

7. Decision

For all 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 <stiiizy.com.au> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: November 6, 2025.