

ADMINISTRATIVE PANEL DECISION

The Marena Group, LLC, and LifeHealthcare Distribution Pty Limited v.
Work. Pty Ltd
Case No. DAU2025-0057

1. The Parties

The Complainants are The Marena Group, LLC, United States of America (“United States”), and LifeHealthcare Distribution Pty Limited, Australia, represented by Gardella Alciati, United States.

The Respondent is work. Pty Ltd, Australia, represented internally.

2. The Domain Name and Registrar

The disputed domain name <marena.com.au> 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 December 22, 2025. On December 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 2025, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on December 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed amended Complaints on December 30, 2025, and January 11, 2026.

The Center verified that the Complaint together with the amended Complaints 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 January 12, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was February 1, 2026. The Response was filed with the Center on January 27, 2026.

The Center appointed John Swinson as the sole panelist in this matter on February 6, 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.

On March 2, 2025, the Panel issued a Procedural Order to request further information regarding the trademarks owned by the Complainant. The Complainant filed a response to the Procedural Order on March 5, 2026. The Respondent filed its response on March 8, 2026.

4. Factual Background

The First Complainant, The Marena Group, LLC, is a United States corporation that offers medical grade compression garments including post op garments, compression shapewear and compression activewear.

The Second Complainant, LifeHealthcare Distribution Pty Limited, is an Australian corporation that has been the exclusive licensee and distributor of Marena products for Australia and New Zealand since March 2024 for the Complainant.

Marlena International, LLC, a wholly owned subsidiary of the Complainant, owns United States Registration No. 2,103,477 for MARENA. This registration has a registration date of October 7, 1997.

Marlena International, LLC also owns United States Registration No. 4,014,424 for MARENA. This registration has a registration date of August 23, 2011.

The First Complainant has a pending Australian trademark application for MARENA, being application number 2419326 that was filed on January 10, 2024.

The First Complainant also has a pending Australian trademark application for MARENA RECOVERY, being application number 2419328 that was also filed on January 10, 2024.

The Respondent is an Australian corporation. According to searches conducted by the Panel, the Respondent is not registered for GST in Australia.

In a declaration provided by the Respondent, Graham Lade declares that he is founder and director of the Respondent.

According to a LinkedIn listing provided in the Complaint, Graham Lade was Managing Director of "The Work. Agency" from April 2022 to April 2025. The LinkedIn listing states that "The Work. Agency" is a human resource management consulting firm in Sydney. This LinkedIn listing also states that Graham Lade is Chief Operating Officer of JD Healthcare Group and has worked full-time at this entity for 28 years.

The Respondent registered the disputed domain name on May 13, 2025.

Initially, from May 2025 to October 2025, the website at the disputed domain name included information about the Complainant's Marena garments and compared the "Marena resellers" with "Exquisite Bodies". The website has the heading "Merena Compression Garments in Australia – What You Need to Know". The website states that it is not the official Marena Australia website and that "This site exists to provide recovery guidance and introduce Australian patients to locally supported garment options". The website also includes a statement to the effect that Marena resellers are not trusted by Australian clinics. The website states that "Marena is a well-known U.S. brand..." and includes a disclaimer at the end of the website that states: "This site is not affiliated with or endorsed by The Marena Group."

"Exquisite Bodies" is a business that appears to be associated with JD Healthcare Group where Graham Lade has worked for 28 years. There is a website at <exquisitebodies.com.au> that promotes and sells compression wear and post-op bras and the like. This website does not identify the operator of the website;

there is no ABN or ACN listed on the website, and it has a non-compliant privacy policy. According to Whois records, the <exquisitebodies.com.au> domain name is registered to JD HEALTHCARE PTY LTD and the Tech Contact is Doug Lade.

According to searches conducted by the Panel of Australian government records, JD Healthcare Group Pty Ltd owns a registered business name "Exquisite Bodies" that was registered on July 26, 2020.

On October 22, 2025, the Second Complainant sent a letter to JD Healthcare Group Pty Ltd by registered post and by email to an email address at <exquisitebodies.com.au>. The letter alleged that the Respondent, at the website at the disputed domain name, misused the MARENA trademarks and made false, misleading and deceptive representations, and demanded that the website be taken down.

Douglas Lade, as the Chief Executive Officer of JD Healthcare Group, responded by letter of October 27, 2025, and simply stated "I confirm that the website marena.com.au has been permanently deleted".

From that date, the disputed domain name has not resolved to an active website.

5. Parties' Contentions

A. Complainant

In summary, the Complainants make the following submissions:

MARENA is a trademark of the First Complainant. The First Complainant first registered the trademark in class 5 in the United States in 1997. The First Complainant subsequently registered the trademark in class 10 and 25 in the United States in 2011.¹

The First Complainant has two trademark applications pending in Australia (2419326 and 2419328), filed on January 10, 2024.

The First Complainant began operations in Australia in 2019.

On March 1, 2024, the First Complainant signed an exclusive licensing agreement with the Second Complainant.

JD Healthcare Group PTY LTD (ACN 640 073 730, "JD Healthcare"), trading as "Exquisite Bodies", conducts a business that is the same or substantially similar to the business conducted by the Second Complainant within Australia and New Zealand and is a competitor of the Second Complainant.

The Respondent was promoting Exquisite Bodies' products owned by JD Healthcare Group on the website at the disputed domain name. Graham Lade is the common connection between the Respondent and JD Healthcare Group PTY LTD.

The Respondent registered the disputed domain name primarily for the purpose of disrupting the business of the Complainants.

When searching for "The Marena Group", or its mark MARENA, potential customers seeking Marena products in Australia would land on the website at the disputed domain name believing it would direct them to information about Marena products, and a means of purchasing Marena products. Instead of finding the sought information, potential customers found a website with false statements publicly made with the malicious intent to cause loss and damage to the Complainants.

¹ As discussed in section 4 above (and as explained by the Complainant in its response to the Procedural Order), the MARENA trademark is owned by the First Complainant's subsidiary Marlena International, LLC.

The website at the disputed domain name included unsubstantiated and baseless, negatively comparative, and promotional claims. The webpage links to <exquisitebodies.com.au> in several locations.

B. Respondent

In summary, the Respondent makes the following submissions:

The disputed domain name was registered for the purpose of developing an informational and comparison-based webpage relating to post-surgical compression garments and recovery products in Australia. The website that was subsequently operated at the disputed domain name consisted of a single-page informational site presenting general consumer guidance, comparison content, and alternative recovery garment options available locally.

The website at the disputed domain name was not an official Marena website, did not present itself as affiliated with or endorsed by the Complainants, and did not use the Complainants' branding or trade dress. It did not offer Marena products for sale, did not operate any checkout functionality, did not solicit inbound enquiries, and did not represent itself as an authorised retailer or distributor. The website at the disputed domain name contained clear and prominent disclaimers stating that it was not affiliated with or endorsed by the Complainant and that it existed solely to provide educational and comparative information to Australian consumers.

Upon being notified of the Complainants' concerns, the website at the disputed domain name was voluntarily taken offline. No attempt was made to sell the disputed domain name to either Complainant or to any third party, and no advertising, pay-per-click monetisation, or other commercial exploitation of the disputed domain name was undertaken.

The Complainants rely upon Australian trademark applications which do not establish rights for the first element of the Policy.

When the disputed domain name was registered, the Complainants held no Australian trademark rights.

The Respondent has made bona fide use of the domain name in connection with a legitimate offering of goods or services, or it has made legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue.

The Respondent did not register the disputed domain name for the purpose of disrupting the Complainant's business. The First Complainant's own distributor agreement confirms that the disputed domain name was not an authorised online sales channel in Australia, and the Respondent's registration of the disputed domain name therefore did not interfere with, displace, or block any established or intended official online platform of the Complainants, as confirmed by the Complainants' distributor agreement.

The Australian trade mark application for MARENA remains pending and does not confer statutory trade mark rights.

6. Discussion and Findings

For the purposes of clarity, this decision will refer to both Complainants as "the Complainant" unless stated otherwise.

Paragraph 4(a) of the auDRP provides that a complainant must prove each of the following elements:

(i) the disputed domain name is identical or confusingly similar to a name, trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered or subsequently used in bad faith.

The burden of proof of each element is borne by the Complainant.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the Complainant's name, trademark or service mark.

There are two parts to this inquiry: the Complainant must demonstrate that it has rights in a trademark at the date the Complaint was filed and, if so, the disputed domain name must be identical or confusingly similar to the trademark.

The first element functions primarily as a standing requirement.

The Complainant relies on two pending Australian trademark applications. An application for trademark registration in Australia (even an accepted application, where it has not proceeded to grant) does not, of itself, satisfy the requirement of the complainant having rights for the purposes of paragraph 4(a)(i) of the auDRP. See Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), paragraph 1.1.5.

The auDRP does not restrict a complainant's registered trademark rights to a trademark registered with the Australian trademark authority. Thus, a trademark registered outside of Australia satisfies the requirements of the Policy to the same extent that a trademark registered in Australia does. See auDRP Overview 2.0, paragraph 1.1.2.

However, the First Complainant's United States trademark registrations for MARENA relied upon by the Complainant are not owned by the First Complainant but by a wholly owned subsidiary of the Complainant. In most circumstances, an entity that is corporately related to the registered owner of a trademark – such as by being a subsidiary or the parent of the owner of the trademark – is considered to have rights in the trademark for the purposes of paragraph 4(a)(i) of the Policy. Accordingly, the Panel finds that in the circumstances of the case the Complainant has established trademark rights for the purposes of the Policy. See auDRP Overview 2.0, paragraph 1.4.1.

The disputed domain name is identical to the United States trademark registrations for MARENA.

For completeness, the Panel notes that Paragraph 4(a)(i) of the auDRP allows a complaint to be based not only on a trademark or service mark in which a complainant has rights, but also on a "name" in which a complainant has rights. According to Note 1 to the auDRP, for the purposes of this policy, "a name [...] in which the complainant has rights" refers to the complainant's "company, business or other legal or trading name, as registered with the relevant Australian government authority". There is no evidence that the Complainant has any name registered with an Australian government authority that includes "Marena".

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

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 that the following circumstances may be situations in which a respondent has rights or legitimate interests in a disputed domain name:

(i) before any notice to you of the subject matter of the dispute, your bona fide use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with an offering of goods or services (not being the offering of domain names that you have acquired for the purpose of selling, renting or otherwise transferring); or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement, like each element, falls on the Complainant. Previous panels have recognized the difficulties inherent in proving a negative, however, especially in circumstances where much of the relevant information is in, or likely to be in, the possession of the respondent. Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent under this head and an evidential burden will shift to the respondent to rebut that prima facie case. The ultimate burden of proof, however, remains with the Complainant. See, e.g., *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd.*, WIPO Case No. [DAU2002-0001](#).

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.

In summary, the Respondent submits that the Respondent has used the disputed domain name in connection with a bona fide offering of services, namely a legitimate comparative website for informational use, or that the Respondent was making a legitimate non-commercial or fair use of the domain name disputed domain name. The Respondent states that, before notice of the dispute, the website at the disputed domain name “was a transparent, informational and comparison-based webpage providing general consumer guidance relating to post-surgical recovery garments. It did not present itself as an official Marena website, did not use Marena branding or trade dress, and did not offer Marena products for sale. It contained no checkout functionality, did not solicit inbound enquiries, and did not present itself as an authorised distributor or reseller”.

The Panel disagrees with the Respondent’s assertions. The Respondent’s use of the disputed domain name was not fair, legitimate or bona fide.

The disputed domain name was being used as pretext for commercial gain or other such purposes inhering to the Respondent’s benefit. The Respondent is clearly associated with JD Healthcare Group Pty Ltd, which is a competitor of the Complainant. The Respondent’s founder and director is a long term employee of JD Healthcare Group, and is currently its Chief Operating Officer. When the Complainant wrote to JD Healthcare Group Pty Ltd, the website was immediately taken down, strongly suggesting that JD Healthcare Group Pty Ltd controlled the website at the disputed domain name. The website at the disputed domain name promoted JD Healthcare Group’s “Exquisite Bodies” business, and no other entity.

There is no evidence that the Respondent runs any other comparison or informational websites, or explanation why the Respondent decided to compare the Complainant with JD Healthcare Group's "Exquisite Bodies" business. The Respondent's founder and director provided a declaration and he did not provide evidence of how the comparisons were made or that he believed that the comparisons were truthful and well-founded.

In all the circumstances, 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.

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

C. Registered or Subsequently Used in Bad Faith

Unlike the UDRP, the requirements that the disputed domain name be registered or used in bad faith are disjunctive in the auDRP. That is, it is sufficient for the Complainant to show either that the disputed domain name was registered in bad faith or has been used in bad faith.

Generally speaking, a finding that a domain name has been registered or is being used in bad faith requires an inference to be drawn that the respondent in question has registered or is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

It is clear that at the time of registration of the disputed domain name in 2025, the Respondent was aware of the Complainant. The reason that the disputed domain name was selected was because of the Complainant and its trademark.

On the website created by the Respondent, the Respondent made negative statements about the Complainant and made positive statements about a business that is associated with the Respondent's founder and director. This is evidence of bad faith use of the disputed domain name. In the circumstances, the Respondent's disclaimer does not prevent a finding of bad faith.

When the Complainant wrote to JD Healthcare Group about the website at the disputed domain name, JD Healthcare Group did not try to defend the content of the website at the disputed domain name and had it "permanently deleted".

The Panel finds that the Complainant has provided sufficient evidence to satisfy paragraph 4(b)(iv) of the Policy, namely, by using the disputed domain name, the 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 Panel finds the third element of the Policy has been established.

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 domain name <marena.com.au> be transferred to the Second Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: March 10, 2026