

ADMINISTRATIVE PANEL DECISION

Dashing joys Limited v. Imoer Technology Limited
Case No. DIE2025-0009

1. The Parties

The Complainant is Dashing joys Limited, Hong Kong, China, represented by Beijing Chofn Intellectual Property Agency Co. Ltd, China.

The Respondent is Imoer Technology Limited, Ireland, represented by F.R. Kelly & Co., Ireland.

2. The Domain Name and Registrar

The disputed domain name <lostmary.ie> is registered with IE Domain Registry Limited ("IEDR").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 18, 2025, via email. On December 18, 2025, the Center transmitted by email to IEDR a request for registrar verification in connection with the disputed domain name. On December 19, 2025, IEDR 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 2025, providing the registrant and contact information disclosed by IEDR, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 29, 2025. The Center received email communications from the Respondent on December 23 and 29, 2025.

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

In accordance with the Rules, paragraphs 2.1 and 4.1, the Center formally notified the Respondent of the Complaint, and the proceeding commenced on January 29, 2026. In accordance with the Rules, paragraph 5.1, the due date for Response was February 27, 2026. The Respondent submitted a Response on February 27, 2026.

The Center appointed Alistair Payne as the sole panelist in this matter on March 11, 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

The Panel issued a panel order on March 18, 2026, as follows:

The Panel has reviewed the case file, and in accordance with paragraphs 9 and 11 of the WIPO Dispute Resolution Rules of Procedure for .IE Domain Name Registrations, requests that the Registrant provides evidence of the date on which its website at “lostmary.ie” went live and was first made available to the public on the Internet. This evidence may include screenshots of the Wayback Machine Internet Archive or of other appropriate third-party sources and should be provided by way of statutory declaration made by a director or authorized agent of the Registrant. The declaration should be filed with the Center by March 25, 2026. The Complainant may file a submission and/or evidence in response by April 1, 2026, which should be restricted strictly to issues raised by the Registrant’s declaration and/or evidence. The Panel hereby extends the decision date to April 13, 2026.

The Respondent subsequently filed a declaration made by a director of the Respondent and a declaration from a director of a third party entity Fly Star Printing and Design Limited who registered and developed the disputed domain name on behalf of the Respondent. The Complainant did not respond to these filings.

4. Factual Background

The Complainant based in Hong Kong, China, has distributed internationally the LOST MARY brand of disposable e-cigarettes since approximately 2022 and owns European Union Trade Mark registration number 018903006 for LOST MARY registered on January 10, 2024, and also European Union Trade Mark registration 018962767 for LOST MARY registered on March 26, 2024. The Complainant’s LOST MARY e-cigarette device entered the Irish market in 2023 and appears to have gained considerable consumer recognition and reputation since that time.

The disputed domain name was registered in the Respondent’s name on July 2, 2024, according to the Whois and Registry’s verification information on the record but appears to have been originally registered at the Respondent’s request by the aforementioned third party in January 2023. At the date of filing of the Complaint, the disputed domain name did not resolve to any website.¹ At the date of this Decision, the disputed domain name resolves to a website that purportedly offers various of the LOST MARY e-cigarette products for sale. The website does not appear to offer any other products for sale and as of 2026 is headed as “VapeWell” with the Respondent’s name at the foot of the website.

5. Parties’ Contentions

A. Complainant

The Complainant submits that it owns registered trade mark rights for its LOST MARY mark as noted above and that the disputed domain name wholly incorporates this trade mark without any additions and is therefore identical or confusingly similar to it which satisfies the first element of the Policy.

The Complainant submits that the Respondent is not the Complainant’s distributor or partner and that it has never directly or indirectly authorised the Respondent to use the LOST MARY trade mark or the disputed

¹The Complainant did not submit any capture of the website associated with the disputed domain name. However, the Panel notes that according to the capture made by the Center on the day of the notification of the Complaint (January 29, 2026), the disputed domain name resolved to a parking page indicating “[t]he website is undergoing scheduled maintenance”.

domain name. It submits that the disputed domain name has not been used since its registration. The Complainant further submits that the Respondent has no trade mark rights in the "Lost Mary" name.

It says that the LOST MARY mark is a coined term that does not correspond to any word in common use in English or any other language. It also submits that the disputed domain name was registered significantly after the Complainant acquired the LOST MARY trade mark rights and that the LOST MARY mark enjoyed significant global recognition long before the registration of the disputed domain name, due to its extensive use. It notes that numerous e-cigarette retailers in Ireland were selling LOST MARY products before the disputed domain name was registered and that its LOST MARY trade mark has acquired a high level of popularity due to its extensive use.

Further says the Complainant, on the basis that the disputed domain name has not been used since its registration, then bad faith also arises from the Respondent's failure to use the disputed domain name. Considering the overall circumstances of the case as a whole, the Complainant contends that the Respondent's use of the disputed domain name satisfies the passive holding doctrine and that the Respondent's use of the disputed domain name is in bad faith. In any event says the Complainant, the use by the Respondent of the disputed domain name for a website design business is likely to be bad faith use under the Policy by attracting Internet users who were looking for the Complainant's website to the Respondent's website.

B. Respondent

The Respondent agrees that the disputed domain name is similar to the Complainant's LOST MARY trade mark for the purposes of the Policy.

The Respondent says that it does have legitimate interests in the disputed domain name. It maintains that it has acted as a legitimate reseller of genuine LOST MARY products and that its use of the term LOST MARY in the disputed domain name was incorporated for bona fide commercial purposes.

It notes that the Complainant has submitted that the disputed domain name has not been used since its registration. However, it maintains that this statement is incorrect and unfounded. It says that the disputed domain name resolves to a website operated by the Respondent which sells genuine LOST MARY products and according to the statutory declaration of the third party website developer, filed by the Respondent in response to the Panel Order, this website was made publicly available around January 2024. This timing is affirmed by the separate statutory declaration of a director of the Respondent who annexed a copy of the Respondent's website at the disputed domain name taken from the Wayback Machine on January 20, 2024. Although this pre-dates the date of registration in the Respondent's name, the director of the Respondent sets out in his statutory declaration that as he had not yet incorporated the Respondent company, he at first instructed the third party to register the disputed domain name on his behalf, which was allegedly registered in January 2023. The director of the Respondent contends that the disputed domain name was subsequently registered in the Respondent's name in July 2024.

The Respondent submits that under the principles set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), a reseller or distributor may have a legitimate interest in a domain name incorporating a trade mark where the respondent is actually offering the goods or services at issue, uses the site to sell only the trade marked goods, where the site does not falsely suggest that the reseller is the trade mark owner, or that the website is an official website and provided that there is no evidence that the re-seller has attempted to corner the market. It notes that the Oki Data principles have, on a number of occasions, been applied to resellers who do not have a contractual relationship with a trade mark owner (see, e.g., *DaimlerChrysler A.G. v. Donald Drummonds*, WIPO Case No. [D2001-0160](#); *Dr. Ing. h.c. F. Porsche AG v. Del Fabbro Laurent*, WIPO Case No. [D2004-0481](#)).

The Respondent confirms that it sells only genuine LOST MARY products through the website associated with the disputed domain name, namely it sells at the moment the following LOST MARY products; Lost Mary BM 600 Disposable Vape, Lost Mary BM6000 Disposable Pod Vape, Lost Mary QM 600 Disposable

Vape, and Lost Mary Tappo Pods. It also contends that the Respondent has not at any time misrepresented itself as the Complainant and that the independent status of the Respondent has been made clear throughout its website. For example, it notes that the website clearly operates under the VAPE WELL brand, and copyright ownership is noted as “© Copyright 2026 Vape Well. All rights reserved.” Furthermore, the Respondent’s own company name, IMOER LIMITED, is listed as the relevant company in the footer banner of the site. According to the Respondent, these features of the website demonstrate that it is conducting a bona fide business and does not seek to mislead consumers regarding its relationship with the Complainant. Finally, the Respondent says that it has not at any point attempted to “corner the market” in domain names or other rights incorporating the LOST MARY trade mark and has not sought to register any trade marks consisting of or containing the term LOST MARY and neither has it registered other domain names incorporating the LOST MARY mark.

The Respondent submits that the disputed domain name has neither been registered nor is being used in bad faith within the meaning of paragraph 1.1.3 of the Policy. At the time of registration, the Respondent acted in good faith and for bona fide commercial purposes, operating in its capacity as a legitimate business selling genuine LOST MARY products. It says that the disputed domain name is being used by the Respondent for a legitimate website selling genuine products and that it has neither registered or acquired it for the purpose of selling, renting, or otherwise transferring it to the Complainant, or to any competitor nor for the purpose of disrupting the Complainant’s business. The Respondent notes in this regard that it is not a competitor of the Complainant, and operates solely as an independent reseller of LOST MARY products.

It says that the disputed domain name is used by the Respondent for a legitimate website selling genuine products and as set out above there has been no effort by the Respondent to suggest any connection, sponsorship, or endorsement by the Complainant.

6. Discussion and Findings

A. Identical or Confusingly Similar to a protected identifier in which the Complainant has rights

The Complainant has demonstrated that it owns registered trade mark rights for LOST MARY trade mark as set out above. This mark is wholly incorporated into the disputed domain name, without the addition of any other element before the “.ie” country code Top-Level Domain (“ccTLD”). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trade mark (which is a “protected identifier” under the Policy) and that the Complaint succeeds under this element of the Policy.

B. Rights in Law or Legitimate Interests

The Complainant has submitted that the Respondent is not the Complainant’s distributor or partner and that it has never directly or indirectly authorised the Respondent to use the LOST MARY trade mark or the disputed domain name. It has also submitted that the disputed domain name has not been used since its registration.

The Complainant has further submitted that the Respondent has no trade mark rights in the “Lost Mary” name, that the LOST MARY mark is a coined term and does not correspond to any word in common use in English or any other language. It has also submitted that the disputed domain name was registered significantly after the Complainant acquired the LOST MARY trade mark rights and that the LOST MARY mark enjoyed significant global recognition from 2022 due to its extensive use. It notes that in Ireland numerous e-cigarette retailers were selling LOST MARY products before the disputed domain name was registered in the Respondent’s name and that its LOST MARY trade mark has acquired a high level of popularity in Ireland and elsewhere.

The Panel finds that the Complainant has made out a prima facie case that the Respondent has no rights in law or legitimate interests in the disputed domain name. The Respondent is required to rebut this case in order to succeed under this element of the Policy.

Contrary to the Complainant's assertion that the Respondent had not used the disputed domain name as at the filing date, the Respondent has submitted that it has used the disputed domain name since January 2024. In an attempt to resolve this obvious factual discrepancy, in the Panel Order dated March 18, 2026, the Panel invited the Respondent to submit evidence of its use of the disputed domain name with a right of reply by the Complainant.

Statutory declarations were filed upon behalf of the Respondent by a director of the Respondent and by the director of a third party company responsible for the Respondent's website development. Both declarants confirmed that the disputed domain name resolved to a fully tested website which was made public in 2024.

The Wayback Machine screenshot evidence annexed to the director of the Respondent's declaration indicates a webpage from January 20, 2024 but does not include a screenshot of the relevant page, although there are detailed descriptions in the annexed screenshot of website elements from January 29, 2026 onwards, including images, libraries and various other elements. Exceptionally, the Panel checked the Wayback Engine and found the January 20, 2024 page referred to in this declaration. It appears to be a very rudimentary web page entitled "Lost Mary BM600" with 14 unviewable photographs with "€7.50" below each and at the foot of the page the offer "3 for €20.00" and the statement "© 2024 lostmary. Built by Flystar." There is no other evidence of the website on the record until February 27, 2026, and the copy of this website submitted by the Respondent features a copyright 2026 symbol which indicates that it was published in 2026 which is notable in that it is after the date on which these proceedings were filed in 2025.

The Respondent appears to have started reselling the Complainant's products in 2024 from what looks like a very rudimentary website which merely advertised the LOST MARY products for sale with the statement "© 2024 lostmary" as if it was the Complainant, or was authorised by it. Based on the evidence on the record it was not until late January or February, 2026 that the Respondent published a more complex website at the disputed domain name, which although it features the "VAPE WELL" brand and notes the Respondent's corporate name at the foot, does not contain any disclaimer to the effect that it is not affiliated with, or authorised by, the Complainant to sell Lost Mary products.

Past panels have found that the use of a Complainant's trade mark without any modifier in a domain name carries a high risk of affiliation and does not amount to fair use. (See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 2.5.1).² The Respondent has submitted that its use satisfies the "Oki Data Factors" but even if the other factors may be satisfied, it is notable that the site has no statement that accurately and prominently discloses the Respondent's lack of relationship with the Complainant. Overall, the Panel finds that by registering and using the disputed domain name in the manner in which it has done so, the Respondent has targeted the goodwill and reputation attaching to the Complainant's mark and business in a manner which is neither bona fide nor legitimate. Neither the registration in the Respondent's name on July 2, 2024, of an identical disputed domain name to the Complainant's LOST MARY trade mark without any additional descriptive term or modifier, nor the subsequent use of the 2024 or 2026 websites which omit to include appropriate disclaimers, amount to bona fide fair use activities for the purpose of demonstrating rights or legitimate interests in the Policy. Panels have found that the domain name itself (as opposed to the site content) is viewed as part of the assessment of whether the use of the mark is fair and merely referential. At the same time, the risk of impersonation and misrepresentation has led panels to find that a respondent lacks rights or legitimate interests in cases involving a domain name identical to the complainant's trademark. [WIPO Overview 3.1](#), section 2.8.2.

In these circumstances the Panel finds that the Respondent has not rebutted the prima facie case made out by the Complainant that the Respondent had no rights in law or legitimate interests at the date of filing of the Complaint in December 2025 and the Complaint succeeds under the second element of the Policy.

²Although [WIPO Overview 3.1](#) is directed to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), given the similarity between the UDRP and the IEDR Policy, it is appropriate to have regard to these principles except to the extent that the IEDR Policy diverges from the UDRP.

C. Registered or Used in Bad Faith

The third element of the Policy requires the Complainant to demonstrate that the Respondent has either registered or has used the disputed domain name in bad faith.

Under paragraph 2.1.4 of the Policy there is evidence of registration or use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with a protected identifier in which the Complainant has rights.

The LOST MARY mark is highly distinctive in relation to e-cigarette products and appears to enjoy an international reputation from around 2022 onwards. As discussed above, the Respondent has registered and used the disputed domain name, which is identical to the Complainant's LOST MARY mark and has no differentiating element before the ".ie" ccTLD, intentionally to divert Internet users to its own website at which it resell LOST MARY products without the Complainant's authorization. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. [WIPO Overview 3.1](#), section 3.1.4. This is not a "bait and switch" type case in which a respondent seeks to sell alternative products to Internet users. However, Internet users who saw the disputed domain name and the website to which it resolved, whether in in 2024 or in 2026, may very well have been confused into thinking that they were dealing with the Complainant, or with one of its affiliated entities, or authorised distributors, or re-sellers, when this was not the case. The Respondent has used the disputed domain name containing the distinctive and very well-reputed LOST MARY mark in this manner to divert Internet users to its own website for its own commercial benefit and without reference to the Complainant as trade mark owner and without properly disassociating itself from the Complainant. The Panel finds that this conduct fulfills the requirements of paragraph 2.1.4 of the Policy and is evidence of registration and of use of the disputed domain name in bad faith.

Accordingly, the Complaint also succeeds under the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 5 of the Policy, the Panel orders that the disputed domain name <lostmary.ie> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Dated: April 12, 2026