

## ADMINISTRATIVE PANEL DECISION

Hearst Communications, Inc. v. Alok Jha, Forever media  
Case No. DPH2025-0004

### 1. The Parties

The Complainant is Hearst Communications, Inc., United States of America (“United States”), internally represented.

The Respondent is Alok Jha, Forever media, India.

### 2. The Domain Name and Registrar

The disputed domain name <harpersbazaar.ph> is registered with NameCheap, Inc. (the “Registrar”). The Registry of the disputed domain name is DotPH (the “Registry”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 19, 2025. On August 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 22, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 an amendment to the Complaint on August 26, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the dotPH Uniform Domain Name Dispute Resolution Policy (the “Policy”), the .PH Uniform Dispute Resolution Implementation Rules (the “Rules”), and the WIPO Supplemental Rules for .PH (the “Supplemental Rules”).

In accordance with paragraphs 2(a) and 4(a) of the Rules, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on September 5, 2025. In accordance with paragraph 5(a) of the Rules, the due date for Response was September 25, 2025. The Respondent did not file any formal response but sent an email communication on August 26, 2025. Accordingly, the Center notified the commencement of the panel appointment process on September 26, 2025.

The Center appointed Yuji Yamaguchi as the sole panelist in this matter on October 2, 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 paragraph 7 of the Rules.

#### **4. Factual Background**

The Complainant is a diversified media, information and services company. Among its divisions is Hearst Magazines, the publisher of many magazines worldwide including Harper's Bazaar magazine.

Harper's Bazaar launched on November 2, 1867, as the first women's fashion magazine in the United States. It embodies the culture of fashion and has been a style resource for women at every age, showcasing the work of visionary stylists, expressive photographers and talented designers covering what's new to what's next in the world of fashion. It reaches over 3 million print readers a month, over 7 million visitors per month to its website, and over 20 million followers on its social media channels.

The Complainant is the owner of hundreds of the registered national and international trademarks for HARPER'S BAZAAR (the "HARPER'S BAZAAR Trademarks") worldwide, including Indian Trademark Registration Nos. 568351 (registered on February 26, 1992), 1682765 (registered on May 1, 2008) and 3813765 (registered on April 23, 2018), Philippines Trademark Registration No. 4/2025/00511343 (registered on June 16, 2025), and United States Trademark Registration Nos. 274802 (registered on September 9, 1930) and 3504927 (registered on September 23, 2008).

On August 25, 1985, the Complainant registered the domain name <harpersbazaar.com>, at which the Complainant operates its website.

The disputed domain name was registered by the Respondent on September 2, 2024, and resolved to the website which was designed to mimic the look, feel, and potential functionality of the Complainant's online presence, using fake logos, imagery, and text that resemble the branded content, but currently does not resolve to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant's contentions may be summarized as follows:

The Complainant holds many trademark/service mark registrations worldwide for the HARPER'S BAZAAR Trademark. The disputed domain name is being used as a fraudulent website infringing on the registered trademarks by imitating the authentic brand's design and identical content to mislead users. This deceptive practice not only confuses customers seeking genuine products or services but also poses serious risks, such as personal data theft or counterfeit transactions, damaging the reputation of the authentic brand.

It is clear that the Respondent's intent by using the disputed domain name is to mislead and confuse consumers and to collect unwitting consumers' information under false pretenses. It is apparent that the disputed domain name was registered to mislead and deceive the Complainant's actual and potential website visitors. There is no reason to believe the Respondent will cease to conduct fraudulent activities using the disputed domain name.

The Respondent has intentionally created a website using the disputed domain name to mislead and confuse consumers and create a likelihood of confusion with the Complainant's HARPER'S BAZAAR Trademark among Internet users and site visitors as to the source, sponsorship or affiliation of the Respondent's website. In addition, it can be inferred that the Respondent had knowledge of the

Complainant's rights in the HARPER'S BAZAAR Trademark when the Respondent registered the disputed domain name because the disputed domain name is identical to the Complainant's actual domain name for the Harper's Bazaar website. By using the disputed domain name, intentional attempts are being made to attract visitors for commercial gain by creating confusion with the Complainant's HARPER'S BAZAAR Trademark.

## **B. Respondent**

The Respondent's contentions in the email communication are as follows:

Any involvement on the Respondent's part was not intentional. The Respondent was not aware of the extent of the issue at the time, and once it came to the Respondent's attention, the Respondent acted immediately. The disputed domain name has already been taken down, as the Respondent's hosting provider suspended the account. As a result, the website is no longer active, and all related content has been removed.

There will be no further use of the disputed domain name from the Respondent's side.

The Respondent sincerely regrets any inconvenience caused and assures the Complainant that this situation was never deliberate. The Respondent fully respect the rules and procedures in place and are committed to avoiding any such issues in the future.

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is satisfied:

(i) the disputed domain name is identical or confusingly similar to a 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 and is being used in bad faith.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element in paragraph 4(a) of the Policy 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 (see section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")<sup>1</sup>).

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, including the registered trademarks in India, the jurisdiction where the Respondent resides or conducts business (see paragraph 2(b) and (d) of the Policy; see also section 1.2.1 of the [WIPO Overview 3.0](#)).

The entirety of the HARPER'S BAZAAR Trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the HARPER'S BAZAAR Trademark, save for the lack of the apostrophe and the space, which are not possible to be incorporated, (see *Sony Ericsson Mobile Communications AB v. PD Hosting Inc*, WIPO Case No. [DPH2006-0001](#), and *Confédération Nationale du Crédit Mutuel v. David J. Perkins / Worldwide Domains*, WIPO Case No. [DPH2016-0001](#)) and the addition of

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<sup>1</sup> Given the similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), the Panel will refer to the [WIPO Overview 3.0](#) where relevant to this proceeding.

the country code Top-Level Domain (“ccTLD”) “.ph”, which is viewed as a technical requirement of registration and may be disregarded for the purposes of comparison (see *Skype Limited v. Hanna Jeong*, WIPO Case No. [DPH2011-0001](#), and *Instagram, LLC v. Jiwon Song*, WIPO Case No. [DPH2018-0002](#); see also section 1.11.1 of the [WIPO Overview 3.0](#)).

Therefore, the Panel finds that the first element in paragraph 4(a) of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that the Respondent has rights or a legitimate interest in the disputed domain name.

The disputed domain name which is identical to the Complainant’s HARPER’S BAZAAR Trademark carries a high risk of implied affiliation (see section 2.5.1 of the [WIPO Overview 3.0](#)). As the Respondent obviously operates the website which was designed to mimic the look, feel, and potential functionality of the Complainant’s website of Harper’s Bazaar under the disputed domain name for commercial gain to misleadingly divert consumers, the Respondent is not considered to be making a legitimate noncommercial or fair use of the disputed domain name stipulated by paragraph 4(c)(iii) of the Policy.

There is also no evidence to suggest that the Respondent holds any trademarks corresponding to the disputed domain name or is commonly known by the disputed domain name, as contemplated by paragraph 4(c)(ii) of the Policy.

Although the overall burden of proof in the proceedings is on the complainant, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on the second element in paragraph 4(a) of the Policy shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed 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 in paragraph 4(a) of the Policy (see section 2.1 of the [WIPO Overview 3.0](#)).

Having reviewed the available record, the Panel finds that 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.

Accordingly, the Panel finds that the second element in paragraph 4(a) of the Policy has been established.

## **C. Registered and Used in Bad Faith**

As the Respondent displayed the HARPER’S BAZAAR Trademark and the copyright notice “© 2025 — BAZAAR Ph” on the website to which the disputed domain name resolved, the Respondent knew or should have known that the disputed domain name was identical or confusingly similar to the Complainant’s HARPER’S BAZAAR Trademark at the time of registration.

Although the Respondent asserts that the Respondent’s involvement was neither intentional nor deliberate, considering the disputed domain name which wholly incorporates the Complainant’s HARPER’S BAZAAR Trademark and the content of the Respondent’s website which created a likelihood of confusion with the Complainant’s HARPER’S BAZAAR Trademark among Internet users and site visitors as to its source, sponsorship or affiliation, the Panel finds that the Respondent registered and used the disputed domain name in bad faith and intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s website (see *Emphasis Services Limited v. Su Guangyu*, WIPO Case No. [DPH2017-0002](#)).

The fact that the disputed domain name currently resolves to an inactive site and is not being used does not prevent a finding of bad faith in this case under the doctrine of passive holding, in consideration of the distinctiveness and reputation of the Complainant's HARPER'S BAZAAR Trademark and the implausibility of any good faith use to which the disputed domain name may be put (see *Accor v. dotPH PrivateRegistration / SANGHO HEO*, WIPO Case No. [DPH2014-0001](#), *Car Classifieds Asia S.a.r.l. v. dotPH PrivateRegistration / Netpreneur Connections Enterprises, Daniel Scott*, WIPO Case No. [DPH2015-0001](#), *Arcadis N.V. v. Maybelline TE*, WIPO Case No. [DPH2022-0001](#), *Ledger SAS v. David J. Perkins, Worldwide Domains*, WIPO Case No. [DPH2024-0004](#), *New Balance Athletics, Inc. v. David J. Perkins, Worldwide Domains*, WIPO Case No. [DPH2024-0007](#), and *Whaleco Inc. and Whaleco Technology Limited v. Wen Lijun, Lijun Wen*, WIPO Case No. [DPH2025-0001](#); see also section 3.3 of the [WIPO Overview 3.0](#)).

In conclusion, the Panel finds that the third element in paragraph 4(a) of the Policy has been established.

## 7. Decision

For all the foregoing reasons, in accordance with paragraphs 4(h) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <harpersbazaar.ph> be transferred to the Complainant.

*/Yuji Yamaguchi/*

**Yuji Yamaguchi**

Sole Panelist

Date: October 13, 2025