



Asian Domain Name Dispute Resolution Centre
hong kong

(HONG KONG OFFICE)

ADMINISTRATIVE PANEL DECISION

SOLE PANELIST: MR. DHANDAPANI SARAVANAN

Case No.:	HK-2401944
Complainant:	Lola Rose Jewellery Limited
Respondent:	Dunlap Irvin
Disputed Domain Name:	<lolarosejewellerys.com>

1. The Parties and Contested Domain Name:

The Complainant is Lola Rose Jewellery Limited, of 5 Hamstead West, 224 Iverson Road, London, NW6 2HL, United Kingdom. The Authorised Representatives of the Complainant are Wang Qiongqiong and Guo Yihan, of Room 1301, Block B, Fangheng Times Centre, No.10 Wangjing Street, Chaoyang District, Beijing.

The Respondent is Dunlap Irvin, of US South Dakota, Sioux Falls, 444 W 13th St Sioux Falls, SD 57104, USA.

The domain name at issue is <lolarosejewellerys.com> ("Disputed Domain Name") registered by Respondent with Gname.com Pte. Ltd (Registrar).

2. Procedural History:

December 4, 2024	Pursuant to the Internet Corporation For Assigned Names and Numbers (ICANN) Uniform Domain Name Policy (" the Policy "), the Rules of Uniform Domain Name Dispute Resolution Policy (" the Rules "), the Rules of
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	Uniform Domain Name Dispute Resolution Policy (" the Supplemental Rules "), the Complainant filed a Complaint in the English language before the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (" ADNDRC-HK ") and elected to have the case in question be dealt with by a single member panel.
December 5, 2024	The ADNDRC-HK transmitted by email to Gname.com Pte. Ltd. (Registrar) a request for Registrar verification in connection with the Disputed Domain Name.
December 5, 2024	Gname.com Pte. Ltd. (Registrar) transmitted by email to the ADNDRC-HK its verification.
December 10, 2024	The ADNDRC-HK upon review of the complaint sent an email to the Complainant to comply with the deficiencies on or before 15 December, 2024.
December 10, 2024	The Complainant transmitted the amended complaint after complying with all deficiencies vide email to the ADNDRC-HK.
December 11, 2024	The ADNDRC-HK sent an email to the Complainant acknowledging the receipt of the amended complaint and stated that the same would be forwarded to the Respondent to formally commence proceedings in accordance with the Policy and Rules.
December 11, 2024	The ADNDRC-HK forwarded the Written Notice of the Complaint along with the annexes and the Complaint Transmission Coversheet to the Respondent vide email.
December 17, 2024	The ADNDRC-HK sent an email to DHANDAPANI SARAVANAN enquiring from him whether he could act as

	Panelist and if so, whether he could act independently and impartiality in the matter in question, a copy of the email was marked to the Complainant and Respondent wherein it was mentioned that the Response period for the Respondent would be due on 31 December, 2024, so the Panelist would be formally appointed on 2 January, 2025.
December 17, 2024	DHANDAPANI SARAVANAN (Sole Panelist) made a declaration vide email that he was willing to act and if appointed, would act independently and impartiality.
December 31, 2024	The Response period to submit a response fell due on 31 December, 2024. However, the Respondent did not submit any response to the complaint.
January 2, 2025	The ADNDRC-HK notified the parties that DHANDAPANI SARAVANAN had been appointed as a sole panelist, and the relevant case correspondences, annexes, and additional documents had been transmitted vide email to the sole panelist by marking a copy of the same to the parties to the complaint.

3. Factual Background:

A. Complainant

The Complainant claims that they are the lawful owner of the Trademark viz. 'LOLA ROSE' and that the registration of the domain name in reference i.e., <lolarosejewellerys.com> by the Respondent is in bad faith for unlawful gain and misuse with the intention of preventing the Complainant, who is the owner of the trademark "LOLA ROSE", and to mislead the customers by selling similar products.

B. Respondent

The Respondent Mr. Dunlap Irvin, having address at US South Dakota Sioux Falls 444 W 13th St Sioux Falls SD 57104 – USA is the registrant/owner of the Disputed Domain Name.

4. Parties' Contentions

A. Complainant

(i) The Complainant's contentions are that Lola Rose Jewellery Limited, is a very well recognized global brand dealing in women's fashion accessories such as watches, jewellery, and other products. The brand "LOLA ROSE" was founded in the year 2000 by Nikki Gewirtz, an eminent pioneer of the British fashion design industry. The brand culture of "LOLA ROSE" originated from the founder's affinity towards her grandmother's jewellery which gave her immense confidence as a fashionable woman, and hoped to pass on the same fashion sense to women across the globe. As early as 2017, the brand's products have been highly known in the United Kingdom, Mainland China, Hong Kong, and other countries/regions.

(ii) Since 2017, the Complainant authorized Eurotime Biaolang (Beijing) Trading Co Ltd. and Beijing Boguan Tongda Commercial Ltd. (collectively, the "Licensees") to use the trademark "LOLA ROSE" in China. The Licensees promoted and publicized the brand "LOLA ROSE" on Weibo, Xiaohongshu, Douyin, WeChat public account and other social platforms, invited famous stars such as ZHEING Shuang and LU Keran as spokespersons and brand ambassadors to promote the brand, and sold and promoted products in LI Jiaqi's live broadcast for many times. At the same time, "LOLA ROSE" products have high sales in Tmall, Vipshop, Jingdong, and other e-commerce platforms, making "LOLA ROSE" one of the most rapidly developing brands in the industry in recent years. In 2020, "LOLA ROSE" Tmall Flagship Store became the No.1 store in watch sales and the No.2 in live sales during the 618 Shopping Festival, with total sales reaching RMB 30 million yuan. It has also become one of the Annual TOP 10 New Brands of Tmall Fashion Accessory and one of the Tmall Annual Treasure New Brands.

(iii) Around 2004, the Complainant had applied for registration of the trademark "LOLA ROSE" in the United Kingdom, the European Union, the United States,

Mainland China, Hong Kong, China, and other countries. Since then, the Complainant has also made several other additional registrations for the "LOLA ROSE" trademark in light of its rapid development and growing popularity amongst its customers from across the world. The registration dates for all the additional registrations were all earlier than the registration date of the Disputed Domain Name (i.e. 31 January, 2024).

B. Respondent

The Respondent did not submit any response to the Complainant's contentions. Therefore, the Respondent is in default.

5. Findings

CONSTITUTION OF ADMINISTRATIVE PANEL

It has to be asserted as to:-

- (i) Whether the Constitution of Administrative Panel was proper?
- (ii) Whether the Respondent has received the notice of this Administrative Proceeding?

Having gone through the procedural history, this Administrative Panel comes to the irresistible conclusion that the Administrative Panel was properly constituted and Respondent has been notified of the complaint of the Complainant. However, the Respondent did not choose to submit any response to the contentions made by the Complainant and that the non-submission of the Response by the Respondent had also been notified by ADNDRC-HK to the Respondent.

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and

- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical/Confusingly Similar

(i) As provided under Paragraph 4(a)(i) of the Policy, the Complainant is required to prove that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights. The Complainant has submitted documentary evidences (**Annex 8**), referring to the trademark certificates issued by several trademark governing bodies such as China National Intellectual Property Administration, The Intellectual Property Office (Great Britain and Northern Ireland), Trade Marks Registry (The Government of Hong Kong Special Administrative Region), International Bureau of World Intellectual Property Organisation (WIPO), and the United States Patent and Trademarks Office. The trademark registration certificates for the mark "LOLA ROSE" and additional registrations obtained from the above recognized bodies signify that "LOLA ROSE" is the bonafide registered trademark/service mark of the Complainant.

(ii) In the Disputed Domain Name <lolarosejewellerys.com>, the "jewellerys" part of the Disputed Domain Name indicates the nature or type of goods offered on sale on the website which is a generic term. The distinct and identifiable portion of the Disputed Domain Name is "lolarose" which is identical to the registered trademark ("LOLA ROSE") of the Complainant. The Disputed Domain Name incorporates the suffix "jewellerys" to "lolarose", therefore the customers will be inclined to believe that the same pertains to the website of the Complainant as the Complainant's business primarily deals with women's fashion accessories and particularly jewellerys.

(iii) "LOLA ROSE" does not possess any other alternative meaning in general parlance for it to be used by the Respondent without specifically infringing the trademark of the Complainant. The usage of the Complainant's registered trademark in the Disputed Domain Name is likely to cause confusion amongst the

customers and may mislead them into believing that they both correspond to the identity of the Complainant.

(iv) In the Disputed Domain Name, “.com” is a generic code top level domain name (gTLD) suffix. It is non-distinctive and is incapable of differentiating the Disputed Domain Name from the Complainant’s registered trademark.

(v) Based on the “LOLA ROSE” being a registered trademark of the Complainant, the Panel finds that the Disputed Domain Name is identical or confusingly similar to the Complainant’s registered trademark.

(vi) Accordingly, the Panel is satisfied that the Complainant has complied with Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

(i) The Complainant has clearly established their longstanding association with the trademark, “LOLA ROSE”, and the same verifies the source of the products being sold on their website as being associated with the Complainant. It has been well established that Lola Rose Jewellery Ltd. was incorporated on 26th September 2002 and has been operating as a fashion brand in several countries. The Respondent’s Disputed Domain Name was registered on 31st January, 2024. A WHOIS search for <lolarosejewellerys.com>, as indicated in **Annex 4**, provides detailed information regarding the website’s creation by the Respondent. This timeline underscores the complainant’s prior use of the mark and the goodwill and reputation accrued over the years.

(ii) There is no evidence to prove that the Respondent has any civil rights or interests with the name “LOLA ROSE”. As evidenced by the documents in **Annex 5**, the Respondent is not an authorised user of the trademark in question. The Respondent is involved in the sale of deceptively similar items as the Complainant but there is no legitimate reason for the Respondent to use the registered trademark in the Disputed Domain Name, <lolarosejewellerys.com> which is in violation of Paragraph 4(a)(ii) of the Uniform Domain Name Dispute Resolution Policy.

(iii) As the Respondent is in default and has not filed any Response, in particular, the Respondent has not discharged the burden of proof under Paragraph 4(c) of the Policy. Although, the Complainant is not entitled to relief simply by default of the Respondent to submit a Response, the Panel can however and does draw evidentiary inferences from the failure of the Respondent to respond. The Complainant has established a prima facie case of lack of rights and legitimate interest and the Respondent has failed to rebut the presumption of absence of rights or legitimate interests. Based on the record, the Respondent does not have rights or legitimate interests in the disputed domain name as the Respondent's current use is neither an example of a bona fide offering of goods and services nor is there any legitimate non-commercial or fair use of the disputed domain name and as such there is no evidence that Paragraphs 4(c)(i) or 4(c)(iii) of the Policy apply.

(iv) Furthermore, the Respondent neither has any association with the name "LOLA ROSE" nor any relationship with the Complainant's registered trademark that would warrant the use of the registered trademark.

(v) Accordingly, the Panel is satisfied that the Complainant has complied with Paragraph 4(a)(ii) of the Policy.

C) Bad Faith

(i) Paragraph 4(b) of the Policy provides that:

"For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the

complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

(ii) As observed from the contentions of the Complainant, it is evident that the Respondent is attempting to take advantage of the Complainant's long-standing reputation and goodwill by selling products deceptively similar to that of the Complainant and using the registered trademark "LOLA ROSE" in the Disputed Domain Name.

(iii) The Respondent is attempting to mislead the customers by selling products similar to that of the Complainant's at reduced prices under the guise of "Deep Discounts". The font, label and logo used by the Respondent in their website set up under the Disputed Domain Name <lolarosejewellerys.com> is identical to that of the website of the Complainant which disrupts the economic order while also causing substantial losses to the Complainant.

(iv) The primary objective of registering the Disputed Domain Name was not for legitimate business activities, but for the purpose of deceiving the consumers by

impersonating the Complainant and selling identical products without any authorized license or permission. The same is evidenced by the screenshots of the infringing website in comparison to the Complainant's website as provided in **Annex 11**.

(v) Accordingly, the Panel finds that the Complainant has established that the Respondent registered, and is using the Disputed Domain Name in bad faith pursuant to Policy paragraph 4(b)(iv).

(vi) The Panel has also taken into consideration the findings recorded in the Administrative Panel Decision rendered by the Asian Domain Name Dispute Resolution Centre (Beijing Office) in Case No. CN-21-1432, which dealt with similar factual circumstances pertaining to the registration of the Disputed Domain Name <lolarosevn.com>.

(vii) Accordingly, the Panel is satisfied that the Complainant has complied with Paragraph 4(a)(iii) of the Policy.

6. Decision

For the foregoing reasons, the Panel is satisfied that the Complainant has sufficiently proved the existence of all three elements pursuant to Paragraph 4(a) of the Policy. In accordance with Paragraph 4(a) of the Policy and Paragraph 15 of the Rules, the Panel orders that the Disputed Domain Name <lolarosejewellerys.com> be transferred to the Complainant.



DHANDAPANI SARAVANAN

Sole Panelist

January 07, 2025