

## **ADMINISTRATIVE PANEL DECISION**

Victoria Beckham v. Ying Ma  
Case No. D2022-2587

### **1. The Parties**

The Complainant is Victoria Beckham, United Kingdom, represented by Demys Limited, United Kingdom.

The Respondent is Ying Ma<sup>1</sup>, China.

### **2. The Domain Name and Registrar**

The disputed domain name <victoriabeckhams.xyz> 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 July 15, 2022. On July 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 15, 2022, 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 July 10, 2022, 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 amended Complaint on July 20, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 15, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 17, 2022.

The Center appointed Reyes Campello Estebanz as the sole panelist in this matter on August 25, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and

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<sup>1</sup> At the time of the filing of the Complaint, the Respondent’s identity was masked by a privacy service.

Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant is an English signer, international celebrity, fashion designer and businessperson. In 2008, the Complainant launched her own fashion label (for clothing, shoes, bags, accessories, cosmetics, etc.), which has been internationally recognized obtaining various awards.

The Complainant owns various trademark registrations for its brand, including: United Kingdom Trademark Registration No. 902543320, VICTORIA BECKHAM, registered on January 22, 2007, classes 9, and 4; European Union Trade Mark Registration No. 002543320, VICTORIA BECKHAM, registered on January 22, 2007, in classes 9, and 41; and International Registration No. 1163611, VICTORIA BECKHAM, registered on June 14, 2012, in classes 3, 9, 14, 18, 24, 25, and 35, (collectively the "VICTORIA BECKHAM mark").

Prior decisions under the Policy have recognized the reputation of the Complainant and her trademark.<sup>2</sup>

The Complainant further owns the domain name <victoriabeckham.com>, which resolves to her official website and online shop.

The disputed domain name was registered on May 5, 2022. It resolves to a website, in English language, that reproduces the VICTORIA BECKHAM mark at the left side of its heading, and commercializes clothing, accessories, shoes, bags and jewelry purportedly of this trademark. The prices of the products are indicated in GBP, and are, in all cases, significantly discounted. This site includes the normal price for each product as well as its discounted price, which is generally less than 15% of the normal price. This site contains various copyrighted images of the Complainant's products, and further contains various images relating to the eyewear brand DUCO, including slogans promoting this eyewear trademark, such as "a must-have for chasing perfection" or "why choose DUCO". Various sections of this site ("About Us", "Privacy", "Terms and Conditions", etc.) indicate that this site is "Victoria Beckham Official Store", and the "Contact Us" section provides a contact form as well as an address in "San Antonio, United Kingdom".

#### 5. Parties' Contentions

##### A. Complainant

Key contentions of the Complaint may be summarized as follows:

The disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name incorporates the VICTORIA BECKHAM mark adding a letter "s" at the end, which increases the likelihood of confusion, as it can be interpreted as possessive ("VICTORIA BECKHAM'S"), and the generic Top-Level Domain ("gTLD") ".xyz", which is required for technical reasons and should be disregarded for the purposes of comparison.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by and do not own any trademark for the terms "VICTORIA BECKHAM" or "VICTORIA BECKHAMS", is not a licensee of the Complainant and has not received any authorization to use the Complainant's trademarks. The Respondent is not using the disputed domain name in connection with *bona fide* offering of goods or services, or a legitimate noncommercial or fair use. The disputed domain name resolves to a website that sales counterfeits and masks the identity of the Respondent under false contact

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<sup>2</sup> See *Victoria Beckham v. David James*, WIPO Case No. [D2017-0035](#); *Victoria Beckham v. Whoisguard Protected, WhoisGuard, Inc.*, WIPO Case No. [D2015-2229](#); *Victoria Beckham, David Beckham v. Contact Privacy Inc. Customer 1247653581/ Cynthia Panford*, WIPO Case No. [D2021-1841](#); and *Victoria Beckham v. Viktor Pavlenko*, WIPO Case No. [D2015-0840](#).

details, generating affiliation with the Complainant and indicating that it is her official website. The Respondent's website further fails the Oki Data test, as the offered goods are likely counterfeit, it does not disclose the lack of relationship with the Complainant, and promotes goods from a third-party brand (the eyewear brand DUCO) unrelated to the Complainant.

The disputed domain name was registered and is being used in bad faith. Given that the well-known character of the Complainant and her trademark and the use of the disputed domain name to sell probable counterfeit products, it is inconceivable that the Respondent did not have the Complainant in mind when it registered the disputed domain name. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark. The VICTORIA BECKHAM mark is prominently displayed at the top of the Respondent's website, the Respondent refers to itself in various sections of its site as "Victoria Beckham Official Store", and this site lacks any disclaimer. The extremely low price of the goods commercialized in the Respondent's website and all other circumstances of this case indicate that these goods are counterfeits.

The Complainant has cited previous decisions under the Policy and various sections of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), that it considers supportive of its position, and requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

The Complainant has made the relevant assertions as required by the Policy and the dispute is properly within the scope of the Policy. The Panel has authority to decide the dispute examining the three elements in paragraph 4(a) of the Policy, taking into consideration all of the relevant evidence, annexed material and allegations, and performing some limited independent research under the general powers of the Panel articulated, *inter alia*, in paragraph 10 of the Rules.

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

The Complainant indisputably has rights in the registered trademark VICTORIA BECKHAM, both by virtue of its trademark registrations and as a result of continuous use of this mark.

The disputed domain name reproduces the VICTORIA BECKHAM mark, adding a letter "s" at the end of the mark. The VICTORIA BECKHAM mark is recognizable in the disputed domain name, and the gTLD ".xyz" is a technical requirement, generally disregarded for the purpose of the analysis of the confusing similarity. See sections 1.7, 1.8, 1.9 and 1.11 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, and the first element of the Policy under paragraph 4(a)(i) has been satisfied.

### **B. Rights or Legitimate Interests Registered and Used in Bad Faith.**

The Panel considers appropriate to analyze the second and the third elements of the Policy together.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", being the Panel prepared to draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

The Complainant's assertions and evidence effectively shift the burden to the Respondent of producing evidence of rights or legitimate interests in the disputed domain name, providing the circumstances of

paragraph 4(c) of the Policy, without limitation, in order to rebut the Complainant's *prima facie* case.

However, the Respondent has not offered any explanation of any rights or legitimate interests in the disputed domain name, and has not come forward to deny the Complainant's assertions of bad faith, choosing not to reply to the Complaint.

According to the Complainant's allegations, the Panel notes there are various circumstances indicating that, on a balance of probabilities, the goods commercialized in the website linked to the disputed domain name are counterfeits. The Panel further notes that all circumstances of this case indicate, on a balance of probabilities, that the Respondent has registered and used the disputed domain name in bad faith to generate affiliation creating a likelihood of confusion in an attempt to increase the traffic of its site.

In this respect, the Panel notes the following circumstances: (i) the disputed domain name incorporates the Complainant's trademark, and adds a letter "s" at the end of the mark indicating possession ("Victoria Beckham's"); (ii) the website linked to the disputed domain name prominently displays the VICTORIA BECKHAM mark at its heading and in various sections of the site; (iii) this site does not inform about the lack of relationship with the Complainant and its trademark; (iv) this site provides an erroneous or false contact information (as there is no location in the United Kingdom under the name of "San Antonio"); (v) it falsely indicates that it is the "Victoria Beckham Official Store" in various sections; (vi) the site contains (without authorization) copyrighted material owned by the Complainant; and (vii) the prices of the goods offered on the website linked to the disputed domain name are less than 15% of their normal prices.

The Panel further notes that the website linked to the disputed domain name promotes a third-party brand unrelated to the Complainant (the eyewear trademark DUCO), and this site reproduces the color, design and general look and feel of the Complainant's official website "www.victoriabeckham.com".

In the Panel's view, the use of the disputed domain name under these circumstances cannot be considered a *bona fide* offering of goods. The requirements established for resellers or distributors known as the "Oki Data test" (referring to *Oki Data Americas, Inc. v. ASD*, WIPO Case No. [D2001-0903](#)), are not met. Particularly, the website associated to the disputed domain name does not accurately and prominently disclose the Respondent's lack of relationship with the Complainant, it does not exclusively promote and sell the Complainant's goods, and it does not, on a balance of probabilities, sell the Complainant's goods, but counterfeits. Furthermore, the use of a domain name for illegal activity (*e.g.*, the sale of counterfeit goods) can never confer rights or legitimate interests on a respondent. See sections 2.8, and 2.13 of the [WIPO Overview 3.0](#).

All these circumstances indicate as well that the Respondent registered and used the disputed domain name in bad faith for an illegal activity.

The Complainant is an internationally known personage, and stories concerning her have been published in newspapers and popular magazines around the world. She is further well-known for her fashion business, marketed under her VICTORIA BECKHAM mark that has won prizes and is worn by women internationally.

The Complainant merchandises her goods online through her official website "www.victoriabeckham.com". The Panel considers that, the Respondent has registered and used the disputed domain name in an attempt to generate affiliation with the Complainant, her famous trademark, and her official website, with the intention to mislead Internet users about the lack of authenticity of the products and the true origin of the Respondent's website, in order to increase traffic of this site for an illegal activity.

Accordingly, the Panel concludes that the Complainant has met its burden of establishing that the Respondent does not have any rights or interests in the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith under the second and third element of the Policy.

## 7. Decision

For 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 <victoriabeckhams.xyz> be transferred to the Complainant.

*/Reyes Campello Estebarez/*

**Reyes Campello Estebarez**

Sole Panelist

Date: September 8, 2022