



**CANADIAN INTERNATIONAL INTERNET DISPUTE RESOLUTION CENTRE**  
**DOMAIN NAME DISPUTE**  
**ADMINISTRATIVE PANEL**  
**DECISION**

CIIDRC case number:	24951-UDRP	Decision date: May 25, 2025
Domain Name:	<b>blueberrymilkmob.com</b>	
Panel:	<b>Duarte Henriques</b>	
Complainant:	<b>Georgia Rossi</b>	
Respondent:	<b>Joe Neylon</b>	

**1. PROCEDURAL HISTORY**

The procedural history of this case was set out in a letter from the Canadian International Internet Dispute Resolution Centre to the Panel:

1. On April 1, 2025, Mr. Bowden of Clark Wilson LLP on behalf of Georgia Rossi, filed a Complaint pursuant to the UDRP and the UDRP Rules via online platform.
2. On April 1, 2025, CIIDRC transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name, and on April 2, 2025, the Registrar responded advising of the identity of the Respondent and providing the above contact details. In addition, the Registrar confirmed that the disputed domain name was placed in a Registrar LOCK.
3. The Complainant was informed of the Respondent's information as provided by the Registrar. Counsel for the Complainant provided an Amended Complaint on April 14, 2025.
4. On April 14, 2025, CIIDRC confirmed compliance of the Complaint and commencement of the dispute resolution process.

5. On April 14, 2025, pursuant to UDRP Rule 4 and Supplemental Rule 5, CIIDRC notified the Respondent of this administrative proceeding and forwarded a Notice of Complaint to the Respondent.

6. The deadline for submitting a Response was set for May 5, 2025.

7. On May 5, 2025, the Respondent filed his Response to the Complaint. Regarding the response to factual and legal allegations made in the Complaint, Respondent's statement of defense was restricted to a single reply as to the question of "Why the Registrant should be considered as having a legitimate interest in the domain name as described in the relevant provisions of paragraph 3.4 of the Policy". In such response, Respondent said that "I wanted a place to practice on how to create a website. I experimented around using the free website builder from the domain holder." In his response, Respondent also said that he has not acted in bad faith when he registered the web domain name.

8. The Complainant and the Respondent in this administrative proceeding has elected for a Panel consisting of a single-member.

9. In accordance with Rule 5 (d), CIIDRC appointed Duarte Henriques, as a single-member Panel in the above-referenced matter.

10. The Domain Name was registered on April 11, 2023.

This matter is conducted pursuant to the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) of the Internet Corporation for Assigned Names and Numbers (ICANN).

The Panel finds that it is properly constituted and has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by CIIDRC to ensure compliance with the UDRP Rule 7.

## 2. FACTS ALLEGED BY THE PARTIES

- a) According to Complainant's allegations, the background facts related to this dispute are the following.

The Complainant

- a. The Complainant, Ms. Georgia Rossi, is a social media personality and businessperson who sells clothing goods, including swimwear, in association with the name and trademark STRAWBERRY MILK MOB. Ms. Rossi uses this name and trademark in connection with the advertisement, promotion, and sale of her goods in a number of ways, most prominently through publishing posts and videos on social media platforms.
- b. On April 10, 2019, Ms. Rossi registered the domain name [strawberrymilkmob.com](http://strawberrymilkmob.com), according to the WHOIS record for this domain name as provided in Annex 4 to the complaint.
- c. The Complainant and her predecessor in title, Strawberry Milk Mob Apparel Ltd., uses (and since on or around the date on which the [strawberrymilkmob.com](http://strawberrymilkmob.com) website was registered, has used) the [strawberrymilkmob.com](http://strawberrymilkmob.com) domain name to operate her online store.
- d. The Complainant has sold (and continues to sell) clothing goods and swimwear through this website to consumers around the world, including in the United States and Canada, as evidenced by the screenshot of the Complainant's website, and screenshots of archived pages obtained through the Internet Archive's Wayback Machine (Annex 5 to this complaint).
- e. Ms. Rossi is the owner of a registration for the STRAWBERRY MILK MOB trademark in Canada (TMA1254027) and a pending application for the STRAWBERRY MILK MOB trademark in the US (US Serial No. 97761442).
- f. The underlying application for the Canadian trademark registration and the US application both have effective filing dates of January 5, 2023 (full details of these trademark filings are provided as Annex 6).
- g. The Complainant previously conducted business through a corporation which was formed in British Columbia on May 17, 2019 under the name "Strawberry Milk Mob Apparel Ltd" ("SMM") and Ms. Rossi's status in said company was sole director (Annex 7).
- h. Ms. Rossi is well-known under the name STRAWBERRY MILK MOB, and this trademark has become well-known in connection with clothing and swimwear.
- i. Ms. Rossi owns and operates the [@strawberrymilkmob](https://www.tiktok.com/@strawberrymilkmob) account on the TikTok® platform, which is followed by more than 2.4 million people.

j. Posts made through that account regularly receive more than 100,000 views; her most popular posts exceed 20 million views.

k. Likewise, the STRAWBERRY MILK MOB Instagram® account, also operated by Ms. Rossi, has over 300,000 followers (as shown in Annex 8).

l. Ms. Rossi's sisters, Sabrina Rossi and Sydney Rossi, are also involved in the advertising and sale of clothing goods in association with the STRAWBERRY MILK MOB trademark. In order to reinforce the STRAWBERRY MILK MOB brand identity, the sisters' participation in the business is conducted in association with other MILK MOB-formative trademarks: Sabrina and Sydney Rossi advertise and promote Ms. Rossi's goods and business in association with the names BLUEBERRY MILK MOB and COCONUTMILK MOB, respectively.

m. STRAWBERRY MILK MOB, BLUEBERRY MILK MOB, and COCONUTMILK MOB trademarks have been owned and used by Ms. Rossi or her predecessor in title, SMM.

n. The use of the BLUEBERRY and COCONUT variants of the STRAWBERRY MILK MOB trademark commenced at least as early as September 15, 2022. On that date, Ms. Rossi posted a video on the TikTok® platform in which she informed her followers of her sister's involvement in the business in connection with the name BLUEBERRY MILK MOB.

o. Shortly following that date, Ms. Rossi began using the BLUEBERRY MILK MOB variant much more prominently in association with her business, and her sister Sabrina began featuring more prominently in her social media posts in association with this marketing persona, for instance, through videos posted through the TikTok® account@blueberrymilkmob.

p. In March 2023, the @blueberrymilkmob account was created on the Instagram® platform, through which Ms. Rossi and her business commenced the advertising and sale of activewear in association with the BLUEBERRY MILK MOB trademark.

q. The website associated with the blueberrymilkmob.com domain name is a simple parking page with no content other than the words "Blueberry Milk Mob" within a white-outlined box. The registrant appears to put the domain name to no use, and does not appear to have any legitimate interest in operating the website.

r. On April 2, 2025, the Registrar provided the registrant's contact details for the domain name in response to the commencement of this complaint. Those contact details indicate that the registrant is

an individual named Joe Neylon who lives in Chelmsford, Massachusetts. The Complainant was not previously familiar with the registrant, and has not granted the registrant a license or otherwise provided permission for him to use the Complainant's trademarks.

S. The Respondent registered this domain name on April 11, 2023. This registration date is after Ms. Rossi began using STRAWBERRY MILK MOB and BLUEBERRY MILK MOB in association with the sale of her goods, and immediately after she increased prominent use of the BLUEBERRY MILK MOB trademark in association with a separate line of athletic wear managed by her sister, Sabrina Rossi.

#### The Respondent

The Respondent replied that he “wanted a place to practice on how to create a website” and that he “experimented around using the free website builder from the domain holder”.

### 3. CONTENTIONS OF THE PARTIES

- Complainant

The Complainant submits that, by virtue of Ms. Rossi's well-known use of the STRAWBERRY MILK MOB trademark and its variants—including BLUEBERRY MILK MOB—in commerce in association with clothing goods and swimwear in the US and Canada, the Complainant has rights in the BLUEBERRY MILK MOB trademark and similar trademarks, and has had such rights since at least as early as September 15, 2022.

In this regard, it is well settled that paragraph 4(a)(i) of the UDRP Policy encompasses both registered marks and common law marks.

Further, where a person uses a name as an indicator of the source of goods or services supplied in trade or commerce, that name can serve as a trademark for the purposes of a UDRP complaint.

Therefore, the Complainant has rights to trademarks that are identical and/or confusingly to the blueberrymilkmob.com domain name.

Moreover, these trademarks are highly distinctive: they consist of the combination of names of food and beverage flavours with the word MOB, creating a playful dissonance between the divergent and disparate meanings of the trademarks' components.

The Complainant coined the phrases which serve as her trademarks, and a third party is highly unlikely to adopt similar terms for use as a name or trademark as a matter of coincidence.

While the overall burden of proof in a UDRP is on the complainant, the element of possible rights or legitimate interests of Respondent in the disputed domain name involves Complainant proving matters which are peculiarly within the knowledge of Respondent—thus a restrictive approach to the burden of proof under this element would put the Complainant to “the often impossible task of proving the negative.

Instead, the Complainant need only make an allegation and provide what she can in support (e.g., that she has rights to the name, the registrant has no rights to the name of which she is aware, and that she has not given any permission to the registrant) , and “unless the allegation is manifestly misconceived”, the burden shifts to the Respondent to demonstrate its rights or legitimate interests in respect of the domain name.

In this regard, the Complainant has rights in the BLUEBERRY MILK MOB trademark, is not aware of any rights or legitimate interests in this domain name which are held by the registrant, and has not given permission to the registrant for the use of its trademarks in association with this domain name.

Moreover, panels have categorically held that the use of a domain name for illegal activity (e.g., infringement, passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.

Here, use of the blueberrymilkmob.com domain name in association with the sale of products such as clothing goods, swimwear, and fashion accessories would clearly infringe on the Complainant’s trademark rights, and would constitute passing off under trademark laws applicable in most countries. This would likely be the case even if the registrant were to use the domain name in association with the sale and/or provision of non-overlapping goods and services, due to the unusual and distinctive nature of the STRAWBERRY MILK MOB and BLUEBERRY MILK MOB trademarks and the well-known association between those trademarks and Ms. Rossi and her business.

The blueberrymilkmob.com domain name was registered in bad faith. While the purpose of the registration of the domain name is unclear to the Complainant, there are good reasons to conclude that the registrant obtained the domain name for one or more of the purposes set out in paragraphs 4(b)(i) – (iv) of the Policy.

According to RDAP records associated with the domain name, provided as Annex 1 to this Complaint, the Respondent registered this domain name on April 11, 2023. This registration date is after Ms. Rossi

began using STRAWBERRY MILK MOB and BLUEBERRY MILK MOB in association with the sale of her goods, and immediately after she increased prominent use of the BLUEBERRY MILK MOB trademark in association with a separate line of athletic wear managed by her sister, Sabrina Rossi. The fact that the registrant appears to make no use of the domain name is not a barrier to the Panel's finding bad faith. Prior UDRP decisions have held that the passive holding of a domain name which incorporates a well-known trademark, without an obvious purpose, can be consistent with the requirements of section 4(b) of the Policy, and that "the circumstances exemplified in paragraphs 4(b)(i)—(iv) are not exclusive and bad faith may be found alternatively.

Moreover, the facts at issue in this complaint have several characteristics which previous UDRP panels have recognized as indicative of "bad faith". In particular, the following factors (present in this instance) have been recognized as evidence of registration and use in bad faith:

- (i) the temporal proximity between the announcement of a project and the registration of the domain name (here, the fact that the registrant created the domain name about one month after the launch of the Instagram Account which promoted the BLUEBERRY MILK MOB line of athletic wear);
- (ii) a "striking conformity" between the domain name and a complainant's standard trademark and naming practices (present here due to the unique and coined nature of the Complainant's - MILK MOB formative names and trademarks);
- (iii) the Respondent's failure to provide an explanation as to why it would be entitled to register a domain name which consists of the Complainant's well-known trademark (relevant in this case in the event that the Respondent does not file a response); and
- (iv) the registrant's use of a privacy shield, in circumstances where the website associated with the domain name does not seem to warrant the use of such a privacy shield.

Further, where a trademark is highly distinctive and/or well known, the Panel can validly infer that a Respondent had or should have knowledge of the Complainant's trademark and name at the time that the domain name was registered. Given the date on which the Respondent registered the domain name and the unique nature of the Complainant's trademarks, it is difficult to believe that the registration was coincidental, and that the registrant was unaware of the Complainant's rights in these trademarks at the relevant time.

Further, these elements also support a finding that the domain name is being used in bad faith, as previous Panels have concluded where a domain name, consisting of or highly resembling a unique and well-known trademark, does not resolve to an active website.

As a result, the Respondent registered and is using the domain name in bad faith within the meaning of paragraph 4(a)(iii).

- Respondent

As said before, the Respondent replied that he “wanted a place to practice on how to create a website” and that he “experimented around using the free website builder from the domain holder”.

- Remedy Sought

The Complainant requests the Domain Name be transferred to it.

## 4. DISCUSSION AND FINDINGS

### 4.1 Requirements

This dispute and the right in dispute are governed by the Uniform Domain Name Dispute Resolution Policy (the “Policy”), adopted by the Internet Corporation for Assigned Names and Numbers (ICANN) on August 26, 1999, and approved by ICANN on October 24, 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (the “UDRP Rules”), approved by ICANN on September 28, 2013, and in effect as of July 31, 2015, and the Canadian International Internet Dispute Resolution Centre (the “Centre” or the “CIIDRC” or the “Provider”) Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”) in effect as of May 9, 2018.

According to the Rules for Uniform Domain Name Dispute Resolution Policy (Art. 4) “Any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules to any Provider approved by ICANN”. The complaint may envisage the transfer of ownership of the domain name from the current registered owner to the Complainant provided that the following requirements are met (and the onus is on the Complainant to prove):

1. That the Domain Name is Identical or Confusingly Similar to a trademark or service mark in which the Complainant has rights;
2. That the Registrant has no rights or legitimate interests in the Domain Name; and
3. That the Domain Name has been registered and is being used in bad faith.

### 4.2 Analysis

The Panel will consider these requirements in turn.

However, and before that, given that the Respondent replied to the Complaint saying that he “wanted a place to practice on how to create a website” and that he “experimented around using the free website builder from the domain holder”, and considering that, according to UDRP Rule 5(f) the Panel may decide the dispute based upon the complaint whenever the Respondent does not reply to the complaint, the Panel needs to firstly decide whether Respondent's response amounts to a proper response to the effect of preventing the Panel from deciding based upon the complaint (unless there are “exceptional circumstances”).

In our view, the Respondent's response does not amount to a proper reply to the complaint and, moreover, it implies the Respondent's admission of the factual background and legal grounds alleged by the Complainant. Indeed, Respondent did not challenge Complainant's allegations and relief sought and just presented a vague justification.

On the other hand, the Panel does not find any “exceptional circumstance” that could prevent it from deciding the claim based upon the complaint.

Accordingly, and pursuant to UDRP Rule 5(f), the Panel will decide the dispute based upon the complaint.

#### 4.2.1 The Domain Name is Identical or Confusingly Similar to a Mark in which the Complainant has Rights

This Panel concurs with the Complainant in that she is the owner of a registration for the STRAWBERRY MILK MOB trademark in Canada (TMA1254027) and a pending application for the STRAWBERRY MILK MOB trademark in the US (US Serial No. 97761442). The underlying application for the Canadian trademark registration and the US application both have effective filing dates of January 5, 2023.

Ms. Rossi is well-known under the name STRAWBERRY MILK MOB, and this trademark has become well-known in connection with clothing and swimwear. Ms. Rossi owns and operates the @strawberrymilkmob account on the TikTok® platform, which is followed by more than 2.4 million people. Posts made through that account regularly receive more than 100,000 views; her most popular posts exceed 20 million views. STRAWBERRY MILK MOB Instagram® account, also operated by Ms. Rossi, has over 300,000 followers. Ms. Rossi's sisters, Sabrina Rossi and Sydney Rossi, are also

involved in the advertising and sale of clothing goods in association with the STRAWBERRY MILK MOB trademark. In order to reinforce the STRAWBERRY MILK MOB brand identity, the sisters' participation in the business is conducted in association with other MILK MOB-formative trademarks: Sabrina and Sydney Rossi advertise and promote Ms. Rossi's goods and business in association with the names BLUEBERRY MILK MOB and COCONUTMILK MOB, respectively. STRAWBERRY MILK MOB, BLUEBERRY MILK MOB, and COCONUTMILK MOB trademarks have been owned and used by Ms. Rossi or her predecessor in title, SMM. The use of the BLUEBERRY and COCONUT variants of the STRAWBERRY MILK MOB trademark commenced at least as early as September 15, 2022. On that date, Ms. Rossi posted a video on the TikTok® platform in which she informed her followers of her sister's involvement in the business in connection with the name BLUEBERRY MILK MOB. In March 2023, the @blueberrymilk MOB account was created on the Instagram® platform, through which Ms. Rossi and her business commenced the advertising and sale of activewear in association with the BLUEBERRY MILK MOB trademark.

Therefore, it seems obvious that STRAWBERRY MILK MOB, BLUEBERRY MILK MOB, and COCONUTMILK MOB trademarks hold a considerable level of notoriety and publicity at least in the social media.

On the other hand, this Panel concurs with the Complainant in that the name blueberrymilk MOB.com is identical or confusingly similar to the Complainant's marks. This Panel also concurs with the Complainant in that blueberrymilk MOB.com domain name in association with the sale of products such as clothing goods, swimwear, and fashion accessories would clearly infringe on the Complainant's trademark rights, and would constitute passing off under trademark laws applicable in most countries. This would likely be the case even if the registrant were to use the domain name in association with the sale and/or provision of non-overlapping goods and services, due to the unusual and distinctive nature of the STRAWBERRY MILK MOB and BLUEBERRY MILK MOB trademarks and the well-known association between those trademarks and Ms. Rossi and her business.

Therefore, the Panel finds that the domain name blueberrymilk MOB.com is confusingly similar at least to the Complainant's trademark "STRAWBERRY MILK MOB".

#### **4.2.2 Rights or Legitimate Interests in respect of the Domain Name**

The Complainant needs to at least make a prima facie showing that the Respondent lacks rights to or legitimate interests in the disputed domain name, even if Respondent is in default and has failed to

provide a response. The fact is that the Complainant shows, *prima facie*, that the Respondent does not have any right or legitimate interest in the domain name "blueberrymilkmob.com".

Indeed, the Respondent is not using the domain name in connection with a bona fide offering of goods or services.

In addition, there is no evidence that Respondent is commonly known by the disputed domain name, quite the opposite. The Complainant has not granted any rights to the Respondent to use the "Strawberry Milk Mob" mark, nor is there evidence that the Respondent is commonly known by the disputed domain name.

Accordingly, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

#### **4.2.3 Registration and Use of the Domain Name in Bad Faith**

Art. 4(b) of the Uniform Domain Name Dispute Resolution Policy provides that it shall be considered evidence of registration and use in bad faith,

"(...) 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."

In light of the aforementioned non-exhaustive list of circumstances that show bad faith, this Panel is of the view that there good and valid reasons to decide that the registration of the blueberrymilkmob.com web domain name was made in bad faith.

Indeed, the Panel concurs with the Complainant in that, albeit it is unclear the purpose of the registration of the domain name (or, at least, in the Panel's view, the registration of the domain name was made on inadequate explanations, which shows a gross negligence amounting to misconduct), there are good reasons to conclude that the registrant obtained the domain name for one or more of the purposes set out in paragraphs 4(b)(i) – (iv) of the Policy.

Further, as already has been noticed, the Respondent registered this domain name on April 11, 2023, that is, after Ms. Rossi began using STRAWBERRY MILK MOB and BLUEBERRY MILK MOB in association with the sale of her goods, and immediately after she increased prominent use of the BLUEBERRY MILK MOB trademark in association with a separate line of athletic wear managed by her sister, Sabrina Rossi.

In addition, the Respondent does not appear to make any use of the domain name.

This Panel agrees with the Complainant in that the passive holding of a domain name which incorporates a well-known trademark, without an obvious purpose, can be consistent with the requirements of section 4(b) of the Policy, and that "the circumstances exemplified in paragraphs 4(b)(i)—(iv) are not exclusive and bad faith may be found alternatively.

Finally, as Complainant argued, the following factors can be recognized as evidence of registration and use in bad faith:

- (v) the temporal proximity between the announcement of a project and the registration of the domain name (here, the fact that the registrant created the domain name about one month after the launch of the Instagram Account which promoted the BLUEBERRY MILK MOB line of athletic wear);
- (vi) a "striking conformity" between the domain name and a complainant's standard trademark and naming practices (present here due to the unique and coined nature of the Complainant's - MILK MOB formative names and trademarks);
- (vii) the Respondent's failure to provide an explanation as to why it would be entitled to register a domain name which consists of the Complainant's well-known trademark; and

(viii) the registrant’s use of a privacy shield, in circumstances where the website associated with the domain name does not seem to warrant the use of such a privacy shield.

Thus, Complainant has made a compelling case that Respondent’s motives are in bad faith, and this Panel decides accordingly that Respondent acted in bad faith when registered the blueberrymilkmob.com web domain name.

Therefore, and because all the necessary requirements are fulfilled, the request sought by the Complainant shall be granted in full.

**5. DECISION and ORDER**

For the above reasons, in accordance with Paragraph 4 of the Policy, Paragraph 15 of the Rules, and Rule 10 of the Supplemental Rules, the Panel orders that the web domain name “blueberrymilkmob.com” be transferred to the Complainant in these proceedings.

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Made as of May 25, 2025

SIGNATURE OF PANEL

