

Code:

Date: 30 May 2025

## ADMINISTRATIVE PANEL DECISION

### ULTA Beauty Incorporated, Illinois, USA Versus Alexander MULLER-KURZWELLY from GIBRALTAR Case No. D2025-001

#### 1. The Parties

- a) **The Complainant** in this administrative proceeding is ULTA BEAUTY Inc. of: 1000 Remington Blvd, Suite 120, Bolingbrook, IL, 60440, USA.

ULTA BEAUTY Inc, delegated Abu Ghazaleh Intellectual Property Limited who delegated Mr. Ahmed Al-Thaher as their legal representative in this case based on their delegation letter included in the legal bundle of this case.

**The Complainant's contact details are as follows:**

**Name:** ULTA BEAUTY, Inc.  
**Address:** 1000 Remington Blvd,  
Suite 120, Bolingbrook, IL, 60440,  
United States of America

**The Complainant's authorized representative is:**

**Name:** Mr. Ahmed Al-Thaher through Abu Ghazaleh Intellectual  
Property Limited (AGIP)  
**Address:** Ahmad Fayeq Al-Thaher  
Haifa street, Nablus, Palestine  
**Phone Number:** +970.599879179  
**Email:** ahmad.thaher@mohamah.ps

- b) **The Respondent is Mr. Alexander MULLER-KURZWELLY**

**Respondent Contact Information:**

**Name:** Mr. Alexander MULLER-KURZWELLY  
**Address:** Neptune House Suite 409  
Marina Bay, GIBRALTAR, GX1 11AA  
Gibraltar  
**Email:** [emkaport@protonmail.com](mailto:emkaport@protonmail.com)  
**Phone Number:** +350.54062150



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

- a. Domain Name Brief History:
  - i. The disputed domain name <ULTA.PS> (**Domain Name**) was initially registered in 18 October 2013 by Sasha Daniel through 101 Domain Certified Registrar.
  - ii. It was re-registered on 17<sup>th</sup> of May 2019 by Steve Clarke through Marcaria.
  - iii. The domain was registered again on 8<sup>th</sup> of August 2020 by Daniel S through 101Domain.
- b. Current Registrar
  - i. Creation date: 3-08-2022
    1. Registrant: Alexander Muller-Kurzwelly
    2. Registrar: Netim\_sarl, Lille, France
  - ii. Renewal date: 04-08-2023 For one year by Netim\_sarl.
  - iii. Renewal date: 15-07-2024 For one year by Netim\_sarl.
  - iv. Expiration date: 03-08-2025
- c. Current Registrar Contact Information:

**Name: NETIM SARL**  
Address: 164 Avenue Arthur Notebart  
59000 Lille  
France  
Tel: +33 972307470  
Fax: +33 366720504  
Email: tld@netim.com

## **3. Procedural History**

- a) April 3<sup>rd</sup>, 2025  
PNINA received a communication from Mr. Ahmed Al-Thaher as the legal representative of the Complainant raising the issue of initiating a dispute over the domain name ULTA.PS and included the following supporting documents:
  - a. POA for Mr. Ahmed Al-Thaher
  - b. ULTA Supporting Document
  - c. Registration Records for (ULTA.Com, ULTA.INFO and ULTA.ME)
  - d. ULTA Trademark registration Certificates (EU, USA, Emirates, Saudi Arabia, UK and Canada)
  - e. List of ULTA official websites
  - f. ULTA POA to Abu Ghazala Intellectual Properties
  - g. ULTA.PS Registry Whois Record

Mr. AL-Thaher asked for the contact information of the current registrant since the data was not available through PNINA whois record.

PNINA provided Mr. AL-Thaher with the complete record and contact information of the registrant and registrars and asked him to contact them for a peaceful resolution of the matter.

b) 13 April 2025

Mr. Al-Thaher contacted the Respondent and communicated back to us and attached the messages exchanged between them. Due to the nature of the reply from the Respondent and the fact that he hinted to be remunerated with a high value of money, the Complainant asked for PNINA to get note of the new communications and to proceed with the Dispute Process.

The documents were:

- a. Email sent by Mr. Al-Thaher to the Respondent
- b. Reply Received from the Respondent

c) PNINA verified that the Complaint satisfied the formal requirements of the “.ps” Domain Registration Policy (the “Policy”), the adopted Rules for “.ps” Dispute Resolution Policy (the “Rules”), and the ICANN's Uniform Domain Name Dispute Resolution Policy and Rules available at <http://www.icann.org/udrp/udrp-policy-24oct99.htm> (the UDRP Policy and Rules). PNINA confirmed receiving the complaint and forwarded the Arbitration Acceptance Form to the Complainant.

PNINA reviewed the signed forms and supported documents and decided to initiate a dispute resolution process since all requirements have been satisfied for such a process based on PNINA's own rules and DRP policies and procedures.

d) On April 13<sup>th</sup> 2025, PNINA approached the Respondent with an official letter explaining the case and asking for his response and acceptance of starting the DRP process. PNINA asked the respondent to sign the Arbitration Acceptance Form (in English) and the assignment of the Panel within the established deadlines. The domain registrar was carbon-copied in all communications between PNINA and the Respondent.

e) After the 3-day time frame set in PNINA's Dispute Resolution Procedures available at (<http://www.pnina.ps/pics/DRP-Chart.jpg>), the Complainant was notified by PNINA of the acceptance of the complaint and that the complaint is administratively adequate to initiate a dispute resolution process and the official case number (D2025-001) was assigned.

f) 18<sup>th</sup> of April 2025

Based on the official request from the Complainant, PNINA initiated the process and send correspondences for both parties to sign the Arbitration Forms and accept PNINA as an arbitrator on this case. PNINA sent the forms to both parties and the current registrar was carbon-copied and asked for a reply within two weeks. The deadline was 30<sup>th</sup> April 2025.

g) 29<sup>th</sup> of April 2025

A gentle reminder was sent on 29<sup>th</sup> April 2025. PNINA reminded that it has not received the Arbitration Acceptance Form or any justified response from the Respondent. The Registrar was also notified of the approaching deadline without any reply from the Respondent.

h) 30<sup>th</sup> of April 2025

Nothing has been received from the Respondent or the Certified Registrar in reply for PNINA request.

i) 10<sup>th</sup> of May 2025

After the expiration of the deadlines sent to the Respondent, PNINA appointed Dr. Marwan M. Radwan as the sole panellist in this matter after receiving written approval from the Complainant to this appointment and the declination of the Respondent to respond to all communications from PNINA. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence to PNINA as required by the Policy to ensure compliance with the Rules, paragraph 7.

A request for registrant/registrar verification in connection with the domain name at issue was forwarded to PNINA by the Panellist and on the same day, PNINA transmitted by email its verification response confirming that the Respondent is listed as the registrant and providing the contact details of the listed domain name.

On May 15<sup>th</sup>, 2025, the Arbitration Panelist (Dr. Marwan Radwan) reviewed all case documents and sent the legal bundle regarding the case to all parties and asked for their legal arguments and supporting documents to be presented before close of business on Friday, 25<sup>th</sup> of May 2025 in order to proceed with the case based on PNINA's DRP policies and procedures.

The legal bundle included the following documents in addition to the Panelist declaration:

No.	File Name	Description
1	Email Exchanged	2 Email messages
2	ULTA IP Certificates	10 IP Certificates for ULTA trademark from Saudi Arabia, Emirates, EU, USA, Canada and the UK
3	ULTA/AGIP/Mr Al-Thaher POA Documents	2 Legal Powers of Attorney to AGIP and Mr. Al-Thaher
4	ULTA Domain Records around the world	5 Files detailing the various ULTA websites registered in many gTLDs around the world
5	ULTA.PS Domain History Record from PNINA	Domain History record produced by PNINA
6	ULTA Arbitration Agreement	ULTA Arbitration Acceptance Form
7	ULTA Legal Arguments	ULTA legal Arguments

#### **4. Parties' Contentions**

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

The Complainant, ULTA Beauty Inc, is a USA registered company registered officially in many countries including USA, UK, EU, UAE and Canada. They own the trademark ULTA BEAUTY which is registered in the USA under Reg. No 2,631,363 with the

USA Patent and Trademark Office since Oct 8<sup>th</sup>, 2002 and another certificate under the Reg. No. 2,504,336 dated on Nov. 6<sup>th</sup> 2001. An official Trademark certificate has been issued from the USA Patent and Trademark Office for the word “ULTA” since June 6<sup>th</sup>, 2017.

In the legal bundle, the complainant provided copies of trademark certificates registered in the USA, United Kingdom, Canada, The European Union, United Arab Emirates and Saudi Arabia.

The Complainant also provided a list of ULTA domain name and related beauty terms and domains registered under many other ccTLDs and gTLDs including .com, .info, .net and .org.

The Complainant provided two email messages exchanged between him and the Respondent which states the following:

On 14<sup>th</sup> of April 2025 at 8:55 am Palestine Time, the Complainant legal representative, Attorney Ahmed Thaher, in his capacity as the representative of Ulta Beauty International company wrote to the Respondent regarding the domain name ultra.ps. He mentioned that they have noticed that the domain name in the State of Palestine is registered in the Respondent name, and that the domain name completely matches the name of his client, Ulta Company.

He informed the Respondent of his client's desire to use and register this domain name in the State of Palestine in their name. He offered to pay the actual costs incurred by the Respondent to reserve the domain name. The Complainant asked the Respondent to specify the amount he paid to transfer it to him you in exchange for transferring the domain name to his client, Ulta Beauty Company.

The Respondent replied within 2 hours at 11:10 am Palestine Time, stating that he acknowledge the inquiry regarding ultra.ps. He confirmed that he is the the registered owner and current holder of all rights to this domain.

He claimed that he is not necessarily looking to sell this domain and added

“However, I am willing to hear proposals under the right circumstances. While I appreciate your interest in acquiring this domain on behalf of Ulta Beauty International, I must clarity several points before any discussion proceeds:

1. I require formal, verifiable documentation confirming your legal representation of Ulta Beauty International
2. I expect complete disclosure of your professional credentials and official company contact information

Let me be direct: Domain assets of this caliber hold significant strategic value far beyond basic registration costs. The ultra.ps domain represents a premium digital asset with considerable market value in the international beauty industry space. For me to consider parting with this asset, any offer would need to be exceptionally convincing. I am prepared to discuss potential transfer terms once you have provided the requested verification materials. I retain full ownership rights and operational control

of the domain throughout any negotiation process and until any final agreement is executed.”

The Complainant was not willing to discuss this further with the Respondent and requests that PNINA proceed by opening a DTP process for the ULTA domain name under the .PS ccTLD.

The Complainant asks the Panel appointed in this administrative proceeding transfer the Domain Name <ULTA.PS> to the Complainant. It contends that this should be done because the domain name matches the trademark registered under their name and well-known in the Beauty sector locally and internationally using that particular domain name.

## **B. Respondent**

The Respondent is **Mr. Alexander MULLER-KURZWELLY from GIBRALTAR.**

PNINA approached the Respondent in due course but he has not responded to any of the communications sent by PNINA within the stated deadline of the DRP policies and procedures.

Even though the Respondent replied to the Complainant within two hours, no reply has been received from the Respondent when approached also by the Panelist of this procedure (Dr. Marwan Radwan) within the specified legal deadlines for the arbitration process.

Neither PNINA or the Arbitration Panellist received any communications from the Respondent regarding signing the official arbitration forms or assigning a legal representative or delegating someone else to legally represent him in this case.

There were no claims whatsoever regarding the usage of the domain or any related trademark or interest in the domain in any other kind other than what has been stated to the Complainant in the above stated email.

## **C. Due Process**

The Panel is convinced that both the Complainant and the Respondent have been duly notified of this proceeding and that they have suffered no denial of due process. All subsequent communications with the parties were forwarded to the other party and the certified registrar of the domain to make sure all parties are fully aware of any additions or supplemental evidences submitted to the Panel.

## **5. Discussion and Findings**

In accordance with Paragraph 15(a) of the Rules, the Panel is instructed to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and **any principles of law that it deems applicable.**"

Pursuant to paragraphs 4(a)(i) through (iii) of the Policy, the Complainant may prevail in these proceedings and be awarded the disputed domain names if the following are being proved:

- **The disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and**
- **The Respondent has no rights or legitimate interests in respect of the disputed domain names; and**
- **The disputed domain names were registered and are being used in bad faith.**

The Complainant bears the burden of establishing that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainant provided several trademarks certificates for the ULTA trademark which is identical to the domain under dispute.

Intellectual rights of domain names are not limited by trademarks or service marks. They incorporate famous names related to entities known or connected to such terms including but not limited to company name, brand name registered marks and recognised names locally and internationally. ULTA Beauty demonstrated with strong evidences that it holds the trademarks registered globally, has the same domain name registered in many ccTLDs and gTLDs as well as the interest of using the domain name for their own business.

There is nothing in the record to show that the Complainant has licensed, authorized or permitted the Respondent to use that identity, the burden shifts to the Respondent to produce evidence that he possesses such rights or interests. The Respondent failed to provide any evidence or supporting document to show his interest in the domain or rights to use it.

The Respondent failed to provide any evidence regarding his interest in the domain other than hinting in the email exchanged with the Complainant that he is willing to sell it for a considerable amount that exceeds the expected registration and renewal fees.

- A) The Panel concludes that the Complainant established intellectual property rights in ULTA name for the purposes of Article 5, paragraph 1 of the Policy and the Domain Name is identical, confusingly similar to a trade mark, service mark or company identity name in which it has legitimate rights.**

To establish the second element, the Respondent has failed to prove or even express his rights or legitimate interests in respect of the domain name as required in Clause 4(c) of the Uniform Domain Name Dispute Resolution Policy. The complainant claims that there is no evidence that the Respondent is using the domain name, or that it is connected to any goods or services that the Respondent is providing. Moreover, the Respondent has failed to prove that it has been commonly known by the domain name.

The Respondent is not using the Domain Name in connection with offering of goods or services within the meaning of Article 5, paragraph 2, subparagraph 1 of the

Policy. The Complainant has no prior business relationship with the Respondent whatsoever.

The Respondent cannot credibly claim to be commonly known by the Domain Name, or a name corresponding to the Domain Name. According to the WhoIs record publicly available, the Respondent identifies himself as **Mr. Alexander MULLER-KURZWELLY from GIBRALTAR**, which bears no resemblance to the Domain Name. In addition, the Domain Name is not being used in the promotion of any business or any other online service that might give rise to the Respondent being commonly known by the Domain Name.

The Respondent is not currently making a legitimate non-commercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers within the meaning of article 5, paragraph 2, subparagraph 3 of the Policy. The Respondent clearly stated that he is looking for considerable financial gain in exchange of transferring the domain to the Complainant. The Respondent is fully aware of the importance and commercial value of the domain. Such conduct cannot confer rights or legitimate interests on the Respondent where the Respondent is seeking to unfairly capitalize on the goodwill associated with the Complainant's well-known name and reputations.

Despite the Complainant's efforts to contact the Respondent, notifying the Respondent of its rights in the ULTA domain name, the Respondent has not come forward in reply to the Complainant's demands in a reasonable matter or showed any interests in the Domain Name based on any legitimate non-commercial or fair use. He also declined to be engaged in the Dispute Resolution Process and never replied to PNINA's request to sign the Arbitration Form.

Paragraph 4(c) of the Policy states three ways in which the Respondent might meet this burden, but there is no strong indication on the record that he has succeeded along any of those lines. Clearly, neither the Respondent's name nor the names of any company or business associated with him appearing on the domain name registration record show any connection to the word "ULTA" (Paragraph 4(c)(ii)). Moreover, there is nothing in the record to support a finding that the Respondent has used or prepared to use the disputed domain names in genuine offering of services or goods (Paragraph 4(c)(i),) or is engaged in a legitimate non-commercial or fair use of this name (Paragraph 4(c)(iii)).

While the listings in Paragraph 4(c) of the Policy are not intended to be exhaustive of the ways of demonstrating rights and legitimate interests in domain names, the lack of a concrete evidence or any affiliation or real efforts by the Respondent in relation to the domain name and the fact that it has been registered for almost 3 years without any development fatally hampers the Panel in finding any other avenue by which the Respondent might prevail on this issue. There is no evidence that the Respondent is actually engaged in a legitimate non-commercial or fair use of this name.

**B) The Panel concludes that the needed evidence to prove that the Respondent has no rights or legitimate interests in the Domain Name has been dully established, in accordance with article 5, paragraph 2 of the Policy.**

Finally, the Complainant document and emails contend that the domain name was registered and is subsequently being used in bad faith. It contends that this is evident because the Respondent is being passively holding the domain name, and has registered the domain name (ULTA.PS) for the reason of selling it for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the domain name.

This claim can be supported by the following facts:

- 1- The domain was registered for almost three years without any development or business association or activity.
- 2- The Complainant approached the Respondent regarding the re-registration of the domain and offered to pay a reasonable cost-related amount promptly to the Respondent.
- 3- The Respondent replied with a message hinting to a high price he is willing to negotiate that is clearly exceeds and reasonable cost incurred by the registration or renewal of the domain name
- 4- The Complainant was ready to negotiate a "reasonable" out-of-the-pocket cost price but the Respondent but the reply from the Respondent hinted to a much higher expected price.
- 5- The current registrant, as claimed by the Respondent, can't ask for any price for the domain registered under his name if it proved that other parties has legitimate rights to that domain. The asked-price should be reasonable and comparable with out-of-the-pocket costs of that domain.
- 6- The Respondent is fully aware of the value of the domain for the trademark holder and the commercial value of such name in the Beauty sector.

The Policy states that the Evidence of Registration and Use in Bad Faith and 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 or any other party who is the owner of the trademark, service mark, well-known company identity 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 ..."

The Complainant has submitted to the Panel substantiated statement, and a very strong tangible evidence (email exchanges with the Respondent) that has not been denied by the Respondent, to support a finding that Respondent's actions fall under any of the four specific circumstances indicative of bad faith that are listed in Paragraph 4(b) of the Policy.

- C) The Panel concludes that noting that the Policy only requires that a complainant demonstrate that the Domain Name was been registered or is being used in bad faith, it was proved without doubt that the Domain Name was both registered and is being used in bad faith.**

## **6. Decision**

- 1- The Panel finds the disputed domain name <ULTA.PS> is identical to the Complainant's "ULTA BEAUTY, Inc" registered trademarks and company/brands identity known locally and worldwide.
- 2- The Panel also finds that the Respondent has no rights or legitimate interests in the disputed domain name.
- 3- Finally, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith.

**Therefore, in accordance with Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders that the disputed domain name, <ULTA.PS> be transferred from the Respondent, Mr. Alexander MULLER-KURZWELLY from Gibraltar to the Complainant, ULTA Beauty Incorporated From Illinois, USA.**

[Dully Signed BY]

Dr. Marwan M. Radwan

Sole Panellist