

ADMINISTRATIVE PANEL DECISION

Wig Studio 1, LLC v. Jamar Harry
Case No. D2023-2550

1. The Parties

The Complainant is Wig Studio 1, LLC, United States of America (“United States”), represented by Lee & Hayes, PC, United States.

The Respondent is Jamar Harry, United States.

2. The Domain Name and Registrar

The disputed domain name <wigstudio1.shop> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2023. On June 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 14, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 June 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 17, 2023.

The Center appointed William F. Hamilton as the sole panelist in this matter on July 18, 2023. 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 the Rules, paragraph 7.

4. Factual Background

The Complainant has been operating business selling wigs since 2012.

The Complainant owns Registration No. 6,893,423 for the trademark WIGSTUDIO 1 (the “Mark”) with the United States Patent and Trademark Office, granted on November 8, 2022.

The Complainant’s principal website for wig sales is “www.wigstudio1.com”. The domain name <wigstudio1.com> has been registered since March 31, 2013.

The disputed domain name was registered on March 28, 2023. The disputed domain name currently resolves to a website selling wigs directly competing with the Complainant.

5. Parties’ Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to the Mark because it incorporates the Mark in its entirety, with the exception of a blank space prior to the “1” at the end of the Mark. The Complainant further asserts that the Respondent lacks authorization from the Complainant to use the disputed domain name or the Mark, is not commonly associated with the disputed domain name, has never conducted business under the disputed domain name, has not promoted the disputed domain name, and has not engaged in any legitimate commercial activity related to the disputed domain name. The Complainant contends that the Respondent registered and employed the disputed domain name in bad faith, with the intention of deceiving unsuspecting Internet users who are searching for the Complainant’s website, for the purpose of personal commercial gain.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the Mark. The disputed domain name entirely incorporates the Mark with the omission of the space before the number “1” at the end of the Mark. The disputed domain name displays each feature of the Mark. A disputed domain name is confusingly similar when a dominant feature of the relevant mark is recognizable in the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7.

The generic Top-Level Domain (“gTLD”) of the disputed domain name, here “.shop”, may be disregarded for the purposes of assessment under the first element because the gTLD is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1; *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#); *International Business Machines Corporation v. Sledge, Inc. / Frank Sledge*, WIPO Case No. [D2014-0581](#).

B. Rights or Legitimate Interests

The Panel concludes that the Respondent lacks any rights or legitimate interests in the disputed domain name.

The Complainant has explicitly stated that the Respondent was not granted permission to use the disputed domain name or the Mark. Furthermore, there is no affiliation or business relationship between the Respondent and the Complainant. No evidence has been presented to demonstrate that the Respondent has conducted any legitimate business activities under the disputed domain name or is commonly recognized by it. *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#).

Consequently, the Complainant has successfully established a *prima facie* case in its favor, shifting the burden of production to the Respondent. However, the Respondent has failed to provide any evidence demonstrating rights or legitimate interests in the disputed domain name.

Additionally, the use of a domain name closely resembling the Complainant's domain name <wigstudio1.com> followed by the gTLD ".shop" in this case creates a significant likelihood that Internet users will mistakenly believe that the Respondent's website is sponsored, affiliated, or associated with the Complainant.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

- (i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name 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 the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) the respondent has 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 the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds that the disputed domain name was registered and used in bad faith.

It is more likely than not from the available record that the Respondent possessed knowledge of the Complainant's well-known Mark at the time of registering the disputed domain name. The intentional registration of the disputed domain name by the Respondent was aimed at misleading unsuspecting Internet users into believing that the disputed domain name would lead them to a website where they could "shop" for wigs assuming it was affiliated, sponsored, or associated with the Complainant. The selection of a second-level domain name that closely resembles the Complainant's Mark followed by the gTLD ".shop" and also identical to the Complainant's domain name <wigstudio1.com> clearly indicates a bad faith registration and use.

Furthermore, even disregarding the compelling evidence of bad faith registration and use presented above, it is challenging to conceive of any legitimate use that the Respondent could make of the inherently misleading disputed domain name without the Complainant's consent that would not involve bad faith. The cases of

Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. [D2000-0003](#), and *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#), illustrate that when a complainant holds a significant reputation in a particular mark and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith can be inferred.

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 <wigstudio1.shop> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: August 1, 2023