

ADMINISTRATIVE PANEL DECISION

Goop Inc. v. Milen Radumilo
Case No. D2024-1977

1. The Parties

The Complainant is Goop Inc., United States of America (“United States”), represented by Frost Brown Todd LLC, United States.

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <goopystore.com> is registered with DropCatch.com 712 LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 10, 2024. On May 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 2024, 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 (Redacted for Privacy, NameBrightPrivacy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 14, 2024 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 May 17, 2024.

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 May 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 21, 2024.

The Center appointed Assen Alexiev as the sole panelist in this matter on July 3, 2024. 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 was founded in 2008 by the actress and entrepreneur Gwyneth Paltrow. It is a lifestyle company offering fashion, lifestyle, beauty, wellness, home décor and food-related goods and services under the brand GOOP. The Complainant offers its products and services through its e-commerce platform at “www.goop.com”, as well as in a number of physical locations.

The Complainant is the owner of the following trademark registrations in the United States for GOOP (the “GOOP trademark”):

- the trademark GOOP with registration No.4946429, registered on April 26, 2016 for services in International Class 35;
- the trademark GOOP with registration No. 5172297, registered on March 28, 2017 for goods in International Class 3;
- the trademark GOOP with registration No. 5232763, registered on June 27, 2017 for goods in International Classes 3, 5, 14, 21 and 24; and
- the trademark GOOP with registration No. 5571158, registered on September 25, 2018 for goods in International Class 25.

The disputed domain name was registered on April 19, 2024. It is currently inactive. At the time of filing of the Complaint, the disputed domain name resolved to a landing webpage containing what appear as pay-per-click (“PPC”) links with titles related to women’s clothing and fashion.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant submits that the disputed domain name is confusingly similar to the GOOP trademark, as it incorporates this trademark entirely, and the addition of the suffix “-y” and of the dictionary word “store” increases the likelihood of confusion, as they make the disputed domain name appear as an online shop related to the Complainant’s GOOP-branded products.

According to the Complainant, the Respondent has no rights or legitimate interests in the disputed domain name, because it is not a licensee of the Complainant or affiliated to it, and because it is not carrying out any bona fide offering of goods and services through the disputed domain name. The Complainant submits that the Respondent is not using the disputed domain name in good faith, because it falsely implies that it resolves to a website where visitors can receive information regarding the Complainant or can purchase GOOP-branded products or services. The Complainant adds that the Respondent’s physical address in Bucharest, Romania provided to the Registrar is not a legitimate address as it points to an entire street and not a particular location.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith to benefit from misdirected traffic in search of information and options to purchase merchandise authorized by the Complainant. The Complainant points out that the disputed domain name was registered long after the GOOP trademark, and adds that the Respondent appears to be a serial cybersquatter, as it has been the respondent in over 200 UDRP proceedings since 2015 and has been found to have acted in bad faith 44 times in 2023 alone.

The Complainant submits that the fact that the Respondent is not actively using the disputed domain name should not preclude a finding of bad faith, and points out that the Respondent has set up mail exchanger (“MX”) records for the disputed domain name, which indicates that the same may be used for fraudulent email communications.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of the GOOP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the GOOP trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the GOOP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, the letter “y” and the dictionary word “store”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the GOOP trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The disputed domain name is confusingly similar to the GOOP trademark of the Complainant, which was first registered eight years earlier, and previously resolved to a landing webpage containing PPC links related to commercial offerings of women's fashion and clothing. Notably, these products fall within the scope of protection of the GOOP trademark and represent some of the products marketed by the Complainant under the GOOP trademark.

The Respondent has not submitted a Response and has not denied the contentions of the Complainant or provided any plausible explanation why it has chosen to register the disputed domain name and how it intends to use it. It bears mention that the word "goopy" appears in English¹ with the meaning of "viscous or semi-liquid, often in an unpleasant or disgusting way, fatuously amorous, or stupid", but even if we put aside the question of whether someone would wish to register a domain name referring to such dictionary meaning, there is no reference to it in the PPC links that appeared on the landing webpage at the disputed domain name, and in any case the Respondent does not refer to any possible dictionary meaning of the disputed domain name, and such possibility of a dictionary meaning does not seem natural in the English common language (noting the combination of "goopy" and "store").

Taking the above into account, and in the absence of any plausible contrary evidence, the Panel finds that the Respondent has not rebutted the Complainant's prima facie case that it does not have rights or legitimate interests in the disputed domain name.

Therefore, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

As already discussed, the disputed domain name is confusingly similar to the GOOP trademark of the Complainant which was first registered eight years earlier, and its composition creates an impression that it may represent an online location offering the Complainant's products for sale. At the time of filing of the Complainant, the disputed domain name indeed resolved to a landing webpage containing PPC links to women's fashion clothing, which confirmed the impression of a link to the Complainant. In addition, the fact that MX records have been activated for the disputed domain name carries a risk that it may be used for email communications, and the confusing similarity of the disputed domain name with the GOOP trademark may mislead recipients of such communications that the same originate from the Complainant or from an entity related to it. The Respondent has not provided a plausible explanation as to why it has registered and how it intends to use the disputed domain name, and there is no support for a conclusion that the disputed domain name is intended for a legitimate purpose unrelated to the Complainant.

In view of the above, the Panel finds as more likely than not that the disputed domain name was registered and used by the Respondent in bad faith in an attempt to receive commercial gain by exploiting the goodwill of the Complainant's GOOP trademark to confuse and attract Internet users. In these circumstances, the fact that currently the disputed domain name does not resolve to an active website does not prevent a finding of bad faith under the Policy.

In view of the above, the Panel finds that the Complainant has established the third element of the Policy.

¹ See <https://www.oed.com/search/dictionary/?scope=Entries&q=goopy>

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 <goopystore.com> be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: July 16, 2024