

ADMINISTRATIVE PANEL DECISION

Nobody's Child Limited v. OrlandoAnderson
Case No. D2024-3850

1. The Parties

The Complainant is Nobody's Child Limited, United Kingdom, represented by Lawdit Solicitors Limited, United Kingdom.

The Respondent is OrlandoAnderson, United States of America.

2. The Domain Name and Registrar

The disputed domain name <nobodyschildf.com> is registered with Sav.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 20, 2024. On September 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 (Name of Respondent is redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 September 24, 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 October 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 22, 2024.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on November 1, 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, Nobody's Child Limited, is a United Kingdom based company specializing in women's fashion, focusing on eco-friendly and sustainable clothing. Established in 2015, it has built a strong reputation for producing ethically made women's clothing and accessories. The Complainant is legally registered in the United Kingdom and conducts significant online retail activity via its primary website, "nobodyschild.com".

The Complaint is based on the following registered trademarks, which are used in connection with women's apparel and accessories:

United Kingdom Registration No. UK00003114358 NOBODY'S CHILD'S registered on October 9, 2015 – in classes 25 and 35;

European Union Trademark Reg. No. 014269906 NOBODY'S CHILD'S registered on November 3, 2015 – in classes 25 and 35;

The Complainant operates various domain names associated with the NOBODY'S CHILD'S trademark, including <nobodyschild.com>, where it conducts its primary e-commerce activities.

The disputed domain name, <nobodyschildf.com>, was registered on June 21, 2024. The Respondent's use of this disputed domain name purportedly offers Complainant's products at discounted prices, which can mislead consumers seeking the Complainant's website.

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.

Notably, the Complainant contends that the disputed domain name, <nobodyschildf.com>, is confusingly similar to its registered trademark, NOBODY'S CHILD, as it incorporates the trademark in its entirety with only the addition of a single letter, "f". This minor variation does not sufficiently differentiate the domain name and is likely to cause confusion among consumers, leading them to believe there is an association with the Complainant.

The Complainant asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the term "Nobody's Child" or that it has any legitimate business or noncommercial purpose in using the disputed domain name. The Respondent has not been authorized by the Complainant to use its trademark, and the Respondent's choice of disputed domain name appears solely intended to capitalize on the Complainant's established reputation.

The Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. The Complainant notes that disputed domain name, <nobodyschildf.com>, closely resembles the Complainant's trademark, likely intending to mislead or attract users for commercial gain by creating confusion.

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 prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the NOBODY'S CHILD mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the disputed domain name, <nobodyschildf.com>, includes the additional letter "f" after the Complainant's trademark, the Panel finds that this minor addition does not prevent a finding of confusing similarity. The Complainant's mark NOBODY'S CHILD is clearly recognizable within the disputed domain name.

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 Respondent has not demonstrated any bona fide offering of goods or services associated with the disputed domain name. There is no indication that the Respondent is commonly known by the disputed domain name, nor has the Respondent made a legitimate noncommercial or fair use of the disputed domain name. The Respondent's lack of substantive content on the disputed domain name, combined with the close similarity to the Complainant's mark, supports the inference that the Respondent does not have a legitimate interest in the disputed domain name.

The Panel finds 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.

In the present case, the Panel notes that the Respondent's actions demonstrate bad faith under several indicators outlined in paragraph 4(b) of the Policy. The disputed domain name, <nobodyschildf.com> closely resembles the Complainant's trademark NOBODY'S CHILD, differing only by the addition of a single letter "f". This similarity is likely intended to cause confusion among Internet users, attracting them to the Respondent's site under the mistaken impression that it is affiliated with or endorsed by the Complainant. Such intentional confusion indicates bad faith, as the Respondent is potentially seeking to benefit from the Complainant's established reputation for commercial gain.

The disputed domain name purportedly offers Complainant's products at discounted prices, displaying the Complainant's logo and collecting personal information (including payment details) of Internet users. The Panel finds the use of a domain name for illegitimate activity, here, claimed unauthorized account access, impersonation/passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the available record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. [WIPO Overview 3.0](#), section 3.2.1. The Panel finds that the Complainant has established the 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 <nobodyschildf.com> be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: November 15, 2024