

## ADMINISTRATIVE PANEL DECISION

Build-A-Bear Workshop, Inc. v. Simone Holtner, Jean Jensen, Marie Averkamp, Mariia Koroleva, Lucas Bader, Philipp Konig, Averkamp Marie, Angela Konczak, Oleksandr Valdaitsev, Mariia Koroleva, Wolfgang Kunzel, Muriel Schulte, Paula Dunstan, Simone Holtner, Ursula Eichmann, Paul Peters, Susanne Lohmann, Katharina Gerste and Name Redacted  
Case No. D2025-1609

### 1. The Parties

The Complainant is Build-A-Bear Workshop, Inc., United States of America, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are Simone Holtner, Jean Jensen, Marie Averkamp, Mariia Koroleva, Lucas Bader, Philipp Konig, Angela Konczak, Oleksandr Valdaitsev, Mariia Koroleva, Wolfgang Kunzel, Muriel Schulte, Simone Holtner, Ursula Eichmann, Paul Peters, Susanne Lohmann, Paula Dunstan, Katharina Gerste and Name Redacted,<sup>1</sup> Germany for all (except Paula Dunstan, Australia).

### 2. The Domain Names and Registrars

The disputed domain names <buildabearaustralia.com>, <buildabear-chile.com>, <buildabearandmark.com>, <buildabear-italia.com>, <buildabearnorge.com>, <buildabearnz.com> and <buildabearromania.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain names <buildabearcanada.com>, <buildabearchile.com>, <buildabearcolombia.com>, <buildabearinitalia.com>, <buildabearireland.com>, <buildabearmalaysia.com>, <buildabearnederland.com>, <buildabearportugal.com>, <buildabearsingapore.com>, <buildabearsuomi.com>, <buildabearusa.com> and <buildaxbear-australia.com> are registered with CNOBIN Information Technology Limited.

---

<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

The disputed domain names <buildabearphilippines.com>, <buildabearespana.com>, <buildabearhungary.com>, <buildabearitalia.com>, <buildabearturkiye.com> and <buildabearuae.com> are registered with Dynadot Inc.

In this Decision, the three registrars are referred to together as the “Registrars”, and the 25 disputed domain names are referred to as the “Domain Names”.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2025. On April 22, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the Domain Names. On April 24, 2025, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for some of the Domain Names that differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on May 6, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. The Complainant filed an amended Complaint on May 15, 2025.

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 Respondents of the Complaint, and the proceedings commenced on May 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondents did not submit any response. On June 3, 2025, the Center received a communication from a third party, indicating that it was not familiar with the circumstances, and didn’t know anything about Domain Names. Accordingly, the Center notified the Respondent’s default on June 23, 2025.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 27, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

### **4. Factual Background**

The Complainant is a global company that offers personalized stuffed animals through interactive stations. It was founded in 1997. The Complainant had revenue of USD 486.1 million in 2023. As of February 2024, the Complainant has 359 retail store locations, primarily in major malls in the United States, Canada, the United Kingdom, and Ireland. The Complainant has 1,000 full time employees and 3,550 regular part-time employees across these locations, as well as its franchise locations in Europe, Asia, Australia, Africa, and the Middle East.

The Complainant and its wholly owned subsidiary Build-A-Bear Retail Management, Inc. own numerous trademarks with the text BUILD-A-BEAR, see for example European Union Trade Mark No. 004872479 (registered on October 10, 2007) and United States Registration No. 3741249 (registered on January 19, 2010). The Complainant is present on the Internet through its primary website at “www.buildabear.com”. It received an average of nearly 3 million visits per month leading up to Christmas last year. The Complainant also has a strong social media presence.

The Respondents registered the Domain Names on January 23, 2025, except for Domain Name <buildabearitalia.com> which was registered on February 14, 2025. The Complainant documents that 22 of the 25 Domain Names have resolved to websites that impersonate the Complainant's website. The remaining three Domain Names have resolved to inactive pages.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant argues that the Domain Names are under common control. All the Domain Names utilize the Complainant's trademark with geographical terms added. The Whois details for 19 of the 25 Domain Names place the registrant in Germany. The remaining six Domain Names are all held by a single registrant in Australia. The Whois details for the Domain Names utilize generic "[...]"@hotmail" email addresses with a prefix comprised of random letter/number combinations. All the Domain Names were registered on January 23, 2025, except for Domain Name <buildabearitalia.com> which was registered on February 14, 2025. The latter uses the same registrar and name servers as the Domains Names registered earlier. All the Domain Names were registered through the same three registrars. 22 of the 25 Domain Names have resolved to websites that impersonate the Complainant.

The Complainant provides evidence of trademark registration and argues that the Domain Names are confusingly similar to the Complainant's trademark. The addition of geographical terms and terms such as "in" and "x" do not negate the confusing similarity between the Domain Names and the Complainant's trademark. The addition of a hyphen in some of the Domain Names does nothing to distinguish the Domain Names from the Complainant's trademark. The use of the Domain Names to host impersonation websites contributes to the confusion.

The Complainant argues that the Respondents have no rights or legitimate interests in respect of the Domain Names. The Respondents have not been commonly known by the Domain Names. The Complainant has not licensed, authorized, or permitted the Respondents to register Domain Names incorporating the Complainant's trademark. Most of the Domain Names have directed Internet users to websites that attempt to impersonate the Complainant. The Complainant argues that it is evident that the Domain Names carries a risk of implied affiliation with the Complainant which cannot be considered fair use of the Domain Names.

The Complainant argues that the Respondents by creating Domain Names that are confusingly similar to the Complainant's trademark and using the Domain Names to impersonate the Complainant, have demonstrated knowledge and familiarity with the Complainant's famous brand. The Respondents' use of the Domain Names to create a likelihood of confusion with the Complainant and its trademarks is an attempt to cause confusion and to profit from it. As to the Domain Names that have not resolved to an active webpage, the mere holding constitutes under the circumstances of this case bad faith use. Moreover, the registration of 25 Domain Names that infringe upon the Complainant's trademark, demonstrates a pattern of cybersquatting. Finally, on balance of the facts of the case, the Complainant argues that the Respondents knew of and targeted the Complainant's trademark.

### **B. Respondent**

The Respondent did not reply to the Complainant's contentions. A third party sent an email to the Center on June 3, 2025, indicating that it is not familiar with the circumstances, and didn't not know about the Domain Names.

## 6. Discussion and Findings

### 6.1. Procedural Matter - Consolidation

The Complaint was filed in relation to nominally different domain name registrants. The Complainant argues that the domain name registrants are the same entity or under common control. The Complainant requests consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards the common control, the Panel notes that all but one of the Domain Names were registered on the same day. Most of the Domain Names have been used to impersonate the Complainant. All the Domain Names utilize the Complainant's trademark with geographical and/or generic terms added. The Domain Names are linked through the registrant details. In short, the Domain Names appear to be under common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The registrants have been granted the right to comment but opted not to.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants (referred to as "the Respondent") in a single proceeding.

### 6.2. Substantive Issues

#### A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark BUILD-A-BEAR. The Domain Names incorporate the Complainant's trademark with the addition of a geographical and/or dictionary terms – sometimes also with an added hyphen. The additions do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), sections 1.7. and 1.8.

For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"). See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent has not rebutted the Complainant's showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or names corresponding to the Domain Names in connection with a bona fide offering of goods or services. On the contrary, most of the Domain Names have been used for websites that impersonate the Complainant's official website by copying from the Complainant's website.

Based on the available record, 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.

The incorporation of the Complainant's trademark in the Domain Names, and the use of 22 of them, prove that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The use of 22 of the 25 Domain Names to mimic the Complainant is clear evidence of bad faith use. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trademark. Noting the circumstances of this case, including the distinctiveness and reputation of the Complainant's trademark, and the composition of the Domain Names, the lack of active use of three of the Domain Names does not prevent a finding of bad faith, see [WIPO Overview 3.0](#) section 3.3. Moreover, the email of the third party shows that at least one Domain Name registration is more than likely the result of an identity theft, and when considered in the context of the numbers of Domain Names, and their purportedly false registrant details, suggest a pattern of bad faith.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. The third element of the Policy has been established.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders the Domain Names <buildabearaustralia.com>, <buildabearcanada.com>, <buildabear-chile.com>, <buildabearchile.com>, <buildabearcolombia.com>, <buildabeardanmark.com>, <buildabearespana.com>, <buildabearhungary.com>, <buildabearinitalia.com>, <buildabearireland.com>, <buildabear-italia.com>, <buildabearitalia.com>, <buildabearmalaysia.com>, <buildabearnederland.com>, <buildabearnorge.com>, <buildabearnz.com>, <buildabearphilippines.com>, <buildabearportugal.com>, <buildabearromania.com>, <buildabearsingapore.com>, <buildabearsuomi.com>, <buildabearturkiye.com>, <buildabearuae.com>, <buildabearusa.com> and <buildaxbear-australia.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: July 4, 2025