

ADMINISTRATIVE PANEL DECISION

TBPN, Inc. v. Willowbank Capital, WBC
Case No. D2025-5261

1. The Parties

The Complainant is TBPN, Inc., United States of America, represented by Eisner, LLP, United States of America (“United States”).

The Respondent is Willowbank Capital, WBC, Canada, internally represented.

2. The Domain Name and Registrar

The disputed domain name <tbpnmerch.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 16, 2025. On December 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 18, 2025, 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 (Whois Privacy, Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 19, 2025, 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 December 22, 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 Respondent of the Complaint, and the proceedings commenced on December 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2026. The Response was filed with the Center on January 11, 2026.

The Center appointed Andrew F. Christie as the sole panelist in this matter on February 2, 2026. 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.

On January 27, 2026, the Complainant filed a Request for Leave to File Supplemental Submissions and accompanying Supplemental Annexes, for the Panel's review and consideration. On January 28, 2026, the Center acknowledged receipt of the Complainant's supplemental filing, and stated that it is in the sole discretion of the Panel to determine whether to consider and/or admit the supplemental filing, and whether to order further procedural steps.

4. Factual Background

The Complainant, TBPB, Inc., is a Delaware corporation with an address in Los Angeles, California, United States. It is a technology media and production company which produces the live-streamed web-series and podcast titled "TBPB" (collectively, the "TBPB Show"). The TBPB Show is a popular web-series and podcasts in the field of technology and venture capital in the United States. Launched as a podcast in November 2024 (formerly known as "Technology Brothers Podcast") and live-stream series in 2025, the TBPB Show has had millions of plays across all platforms, thousands of subscribers, and has garnered nationwide media attention, including coverage from *The New York Times*, *The Wall Street Journal* and *Business Insider*.

The podcast is distributed on all major audio streaming outlets, including Apple Podcasts, Spotify, and Amazon. The web-series is distributed via the Complainant's website, located at "www.tbpb.com", its YouTube channel, and on "X.com". In addition to its distribution platforms, the TBPB Show has a material social media presence, which it uses to engage with fans and interact with its audience. Its X account has over 132K followers, its Instagram account has over 23K followers, and its TikTok account has approximately 270K likes and over 2,000 followers.

On its website, its YouTube account, and its podcast distribution platforms, the Complainant uses a figurative mark consisting of the letters TPB in bold, in front of a green or black background, and below a sequence of dark to light green gradient colored squares ("TBPB figurative mark"). On March 5, 2025, the Complainant filed a United States Trademark application for the word trademark TBPB ("TBPB word mark"). The application has been examined and published for opposition, and is the subject of one or more oppositions that have not yet been decided. The TBPB word mark and the TBPB figurative mark are jointly referred to hereinafter as the "TBPB mark".

The disputed domain name was registered on October 17, 2025. The Complainant has provided screenshots, dated December 12, 2025, showing the disputed domain name resolved to a website stated to be "TBPB Merch Store – Technology Brothers Podcast Network" and containing a mark which is essentially identical to the TBPB figurative mark. This website had prominent text saying "Gear Up with TBPB Merch! Show your tech enthusiasm with Technology Brothers Podcast Network merchandise". It offered for sale various items of apparel (sweatshirts, jackets, vests, pullovers, and T-shirts) and accessories (headwear, gong, neckwear, bags, cases, drinkware, can coolers, stickers, stationery, mouse pads, posters, pins and buttons). Most of these items feature the prominently the text "TBPB", and a number of them have that text in front of a black background and below a sequence of dark to light green gradient colored squares – that is, they contain a figurative mark that is essentially identical to the TBPB figurative mark. Two of the posters appear to contain the images of the presenters of the TBPB Show.

The website to which the disputed domain name resolves also contains a page headed “TBPN Merchandise: Complete Guide to Technology Brothers Official Products”, said to be written by “TBPN Editorial Team”. Among other things, this page claims “TBPN merchandise lets you support Technology Brothers while identifying with the community” and “TBPN merchandise serves multiple purposes: Funding content: Revenue supports podcast production, live events, and platform development. ...”. As at the date of this decision, the disputed domain name resolves to a website offering for sale many of the items of apparel and accessories shown in the screenshots provided by the Complainant. The bottom of the website has text stating “© 2025 TBPN - Technology Brothers Podcast Network. All rights reserved.”

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 contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds, among others. The disputed domain name incorporates the literal component of the Complainant’s TBPN mark in full. The identical nature of the disputed domain name is inherently confusing. The addition of the word “merch” to the disputed domain name does not dispel likelihood of confusion.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the following grounds, among others. The Complainant has not authorized, licensed, or otherwise permitted use of the TBPN mark to the Respondent within the disputed domain name or for any other purpose. The Respondent is unlawfully selling and profiting commercially from products that advertise, display or reproduce the TBPN mark without authorization, license, or permission from the Complainant. The Respondent is holding itself out to the public as a distributor or authorized agent of the Complainant when this is simply false.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. The disputed domain name was registered on October 17, 2025, well after the acquisition of the Complainant’s domain name (<tbpn.com>) and after the Complainant’s substantial and widespread use of the TBPN mark. Because of the Complainant’s popularity within the podcasting industry and the success of its hosts, the Respondent was well aware of the Complainant at the time of registration of the disputed domain name. The Respondent took advantage of the Complainant’s widespread reputation and the immense profitability of the TBPN mark for commercial gain, by defrauding unknowing consumers without regard for copyright and trademark laws, or for the resulting damages to the Complainant’s reputation. The Respondent’s use of the disputed domain name at the very least aims to impersonate an officially licensed merchandiser of the Complainant, of which it is not, and at the very most, impersonates the Complainant itself as the official operator and owner of the disputed domain name. The Respondent, by registering and using the disputed domain name, intentionally attracted unknowing consumers to the Respondent’s website by using a virtually identical domain name to the TBPN mark, and then proceeded to deceive and create a likelihood of confusion amongst said consumers by offering for sale and profiting off of unauthorized and unlicensed merchandise, further exploiting the Complainant’s registered trademarks, copyrights, and other intellectual property, and causing reputational harm to the Complainant in the process.

B. Respondent

The Respondent contends that the Complainant has not satisfied any of the elements required under the Policy for a transfer of the disputed domain name.

The Respondent contends that the Complainant does not have a trademark or service mark to which the Policy applies, on the following grounds. The Complainant admits it holds no registered trademark. It relies entirely on a pending United States Trademark application (filed in March 2025). It is well-settled UDRP jurisprudence that a pending trademark application does not establish trademark rights under the Policy (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.1.4). The Complainant asserts common law rights based on usage starting only in November 2024 – less than one year prior to the Respondent’s registration of the disputed domain name. “TBPN” is a four-letter acronym. Short acronyms are inherently weak and difficult to protect without long-standing evidence of secondary meaning. The Complainant’s recent media coverage does not retroactively grant them monopoly rights over a generic acronym in all contexts.

The Respondent contends that it has rights or legitimate interests in the disputed domain name on the following grounds. The disputed domain name consists of the acronym “TBPN” plus the descriptive term “merch”. A domain name comprising a trademark (or claimed mark) and a descriptive term can generate a legitimate interest if used for a bona fide offering of goods. The Respondent’s use of the disputed domain name for a website marketplace is a bona fide offering of services. The Complainant’s primary argument against the Respondent having a legitimate interest in the disputed domain name relies on the presence of the word “Official” in the website to which the disputed domain name resolved. This was an artifact of AI content generation, not a deliberate strategy by the Respondent to claim affiliation. The Respondent did not manually author false claims of sponsorship. The prompt correction of these errors demonstrates that the Respondent’s actual interest is in operating a legitimate third-party shop, not an impersonation scheme.

The Respondent contends that it did not register or use the disputed domain name in bad faith on the following grounds. At the time of registration (October 2025), the Complainant had no registered trademark. The Respondent selected the disputed domain name because “TBPN” is a relevant community acronym. There is no evidence the Respondent offered to sell the disputed domain name to the Complainant or engaged in a pattern of cybersquatting. A finding of bad faith requires specific intent to target and deceive. The presence of the word “Official” in AI-generated blog posts is evidence of a lack of oversight, perhaps, but not of malicious intent to defraud. Bad faith requires a subjective intent to take unfair advantage of the Complainant’s rights. An automated content error does not meet this threshold. The Respondent has removed the confusing language. A respondent who promptly corrects inadvertent errors upon notice demonstrates good faith, distinguishing them from a cybersquatter who persists in deception.

6. Discussion and Findings

A. Request for leave to submit Supplemental Filing

Paragraph 10 of the UDRP Rules vests the panel with the authority to determine the admissibility, relevance, materiality and weight of the evidence, and also to conduct the proceedings with due expedition. Paragraph 12 of the UDRP Rules expressly provides that it is for the panel to request, in its sole discretion, any further statements or documents from the parties it may deem necessary to decide the case. Unsolicited supplemental filings are generally discouraged, unless specifically requested by the panel.

The arguments and evidence provided in the Complaint and the Response are sufficient for the Panel to decide the outcome of the case. Accordingly, the Panel declines the Complainant’s request for leave to submit a supplemental filing.

B. 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 3.0](#), section 1.7.

The Complainant has not established that it has a registered trademark. The Complainant's application for registration of the TBPN word mark is pending. While it has been examined and published for opposition, it is the subject of one or more oppositions that have not yet been decided. As explained in [WIPO Overview 3.0](#), section 1.1.4, a pending trademark application by itself does not establish trademark rights within the meaning of UDRP paragraph 4(a)(i).

As explained in [WIPO Overview 3.0](#), section 1.3, to establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys.

The duration of the Complainant's use of the TBPN mark is relatively short; the TBPN Show only commenced in November 2024. However, as explained in [WIPO Overview 3.0](#), section 1.3, brands may acquire relatively rapid recognition due to a significant Internet presence. Also, the fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier.

In this case, the TBPN Show appears to have gained significant notoriety since November 2024. In particular, it has garnered a notable number of listeners, important attention in the press, and a material following across various social media platforms. Also, given the text on the website to which the disputed domain name resolved – which says it provides “Official Products” that let you support the Technology Brothers and fund production content – and the getup of the products offered for sale thereon – a number of which contain the TBPN figurative mark, and two of which contain the images of the TBPN Show presenters – it is clear that the Respondent's website targeted the Complainant, its TBPN Show, and its TBPN figurative mark. This suggests that the Complainant, its TBPN Show and its TBPN figurative mark have a degree of reputation that warrants targeting for commercial purposes.

Given these particular circumstances of this case, the Panel is willing to find that the Complainant has a trademark, albeit an unregistered one, for the purposes of the Policy – being, the TBPN figurative mark.

The entirety of the text component of the TBPN figurative mark is reproduced within the disputed domain name, with the addition of the word “merch”. The Panel finds the Complainant's trademark is recognizable within the disputed domain name, and that the addition of the word “merch” does not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

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

C. 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.

The Respondent has not provided any evidence that it has been commonly known by the disputed domain name. The Respondent asserted that its use of the disputed domain name for a website selling TBPN merchandise is a bona fide offering of services, and that the description of the products on its website as being “Official” should be ignored as this was an artifact of AI content generation and not a deliberate strategy.

While the Panel does not reach any conclusion on the veracity of the Respondent’s assertion that the website text was AI-generated, it notes that even if this was the case it does not make the Respondent’s offering of goods bona fide such as to give rise to rights or legitimate interests in the disputed domain name. Even if the claimed AI-generated text is ignored, it remains the fact that a number of the products offered for sale on the website contained a figurative mark effectively identical to the TBPN figurative mark. For the reasons provided above, the Panel considers this figurative mark to be a trademark of the Complainant. The Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use this trademark on these products (or, indeed, on any goods or services). The Respondent’s use of the disputed domain name to resolve to this website unfairly took advantage of the Complainant’s trademark for the Respondent’s benefit, by falsely suggesting a connection or affiliation with the Complainant and its goods and services. Such a use of the disputed domain name is not a bona fide offering of goods or services, and is not a legitimate noncommercial or fair use. Accordingly, such use does not confer on the Respondent rights or legitimate interests in the disputed domain name.

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

D. 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 Respondent registered the disputed domain name after the Complainant began using its TBPN figurative trademark. The disputed domain name incorporates the text component of the Complainant’s trademark in its entirety, and merely adds the word “merch”, which refers to merchandise. The Respondent asserts that it registered the disputed domain name because “TBPN” is a “relevant community acronym”. However, the Respondent did not explain what it meant by “relevant community acronym”, and in particular did not say of what words “TBPN” is an acronym. Once account is taken of the fact that the Respondent has used the disputed domain name to resolve to a website displaying the Complainant’s trademark, and offering for sale goods containing the Complainant’s trademark, the Respondent’s explanation for registration of the disputed domain name is unpersuasive. It seems clear the Respondent registered the disputed domain name with knowledge of the Complainant’s trademark, and for the purpose of taking advantage of it.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1. The evidence shows that the Respondent has used the disputed domain name in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant’s trademark. Having reviewed the record, the Panel finds that the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy.

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 <tbpnmerch.com> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: February 17, 2026