

ADMINISTRATIVE PANEL DECISION

The Captain's Bakery (Cayman) Limited v. Web Master, Expired domain caught by auction winner. Maybe for sale on Dynadot Marketplace and Domain Administrator, Buy this domain on Dan.com ----
Case No. D2025-5447

1. The Parties

The Complainant is The Captain's Bakery (Cayman) Limited, United States of America ("United States" or "U.S."), internally represented.

The Respondents are Web Master, Expired domain caught by auction winner. Maybe for sale on Dynadot Marketplace, Hong Kong, China, and Domain Administrator, Buy this domain on Dan.com ----, Cayman Islands, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <captainscaribbean.com> and <captainsglobal.com> are registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 31, 2025. On January 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On January 8, 2026, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (DOMAIN ADMINISTRATOR, Super Privacy Service LTD c/o Dynadot; and web master, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 9, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file a separate complaint for the disputed domain name associated with a different underlying registrant 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 amendment to the Complaint on January 13, 2026.

The Center verified that the Complaint together with the amendment to 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 Respondents of the Complaint, and the proceedings commenced on January 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on February 5, 2026.

The Center appointed John Swinson as the sole panelist in this matter on February 10, 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 March 3, 2026, the Panel issued Procedural Order No. 1 inviting the Complainant to file by March 7, 2026, a submission demonstrating the CAPTAIN'S CARIBBEAN and CAPTAIN'S GLOBAL marks acquired distinctiveness sufficient to establish common law trademark rights for purposes of the UDRP and allowing the Respondents to comment on any such submission by March 12, 2026. The Complainant filed its response to Procedural Order No. 1 on March 12, 2026. The Respondents did not respond to Procedural Order No. 1.

4. Factual Background

The Complainant is a corporation based in Maryland, United States.

Little information is provided about the Complainant in the Complaint. In the response to Procedural Order No. 1, the Complainant provided evidence that it had longstanding use of the brand CAPTAIN'S in relation to bakery products sold in supermarkets and other retail outlets, and undated use of CAPTAIN'S CARIBBEAN on social media.

It appears that the Complainant owns or uses a domain name <captainscayman.com>. This domain name resolves to a website with a logo for "Captain's Cayman" and the text: "We're baking something fresh, a new site is coming soon."

The Complainant is the owner of pending United States trademark application for CAPTAIN'S CARIBBEAN (U.S. Serial No. 99454058) filed on October 20, 2025, covering bakery goods and retail bakery services in International Classes 30 and 35.

The Complainant is also the owner of pending United States trademark application for CAPTAIN'S GLOBAL (U.S. Serial No. 99454051), filed on October 20, 2025, covering bakery goods and retail bakery services in International Classes 30 and 35.

Both these applications are pending at the time of this Decision.

The disputed domain names were registered on October 21, 2025.

The Respondents did not file a Response, so little information is known about the Respondents.

At the time of filing of the Complaint and at the present time, the disputed domain name <captainscaribbean.com> redirects to a GoDaddy page offering this disputed domain name for sale for USD 2,299.

At the time of filing of the Complaint and at the present time, disputed domain name <captainsglobal.com> resolves to a Spaceship page offering this disputed domain name for sale for USD 1,999.

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 names.

Notably, the Complainant contends that the Complainant is the owner of trademark rights including its pending trademark applications.

The Complainant also contends that the Complainant has longstanding commercial use of the CAPTAIN'S brand on bakery goods in commerce, supporting common law rights in the CAPTAIN'S brand as a distinctive identifier of the Complainant's goods. The Complainant asserts public-facing use of CAPTAIN'S CARIBBEAN as a brand identifier through social and digital profile presence and brand identity materials.

There is no evidence that the Respondents have used the disputed domain names to provide bona fide offering of goods or services. Instead, they were offered for sale indicating that the Respondents' sole purpose in registering the disputed domain names was resale for profit. Such use does not constitute a bona fide offering of goods or services under established precedent.

The Respondents are not commonly known by the disputed domain names and have no trademark rights in respect of the disputed domain names.

The disputed domain names are identical to the Complainant's pending trademark applications, and are being offered for sale.

B. Respondents

The Respondents did not reply to the Complainant's contentions.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

Each disputed domain name must be considered separately.

6.1. Preliminary Issue – Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11.2.

As regards common control, the Panel notes the following:

Both disputed domain names are registered using the same email address for both Respondents.

Both disputed domain names were registered on the same date, immediately following the Complainant's filing of United States trademark applications for the marks "CAPTAIN'S CARIBBEAN" and "CAPTAIN'S GLOBAL".

Both disputed domain names consist entirely of the marks in which the Complainant claims rights, save for omission of punctuation and the addition of the ".com" Top-Level Domain.

Both disputed domain names are held for resale at premium prices through domain marketplace style platforms, with no independent website or business activity of the Respondents behind either domain name.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Issues

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 trademarks and the disputed domain names. [WIPO Overview 3.1](#), section 1.7.

The Complainant provided no evidence of any trademark registrations or trademark use. The Complainant has two pending United States trademark applications, which are "intent to use" applications.

A pending trademark application would not by itself establish trademark rights within the meaning of UDRP paragraph 4(a)(i). [WIPO Overview 3.1](#), section 1.1.4. See also *Intellect Design Arena Limited v. Moniker Privacy Services / David Wieland, iEstates.com, LLC*, WIPO Case No. [D2016-1349](#); and *LTG Support Pty Ltd. v. Rob Allison*, WIPO Case No. [D2024-4520](#).

In response to the Procedural Order No. 1, the Complainant provided evidence of use and reputation in respect of CAPTAIN'S (as part of "Captain's Bakery") on their packaging for bakery products. The Respondents did not dispute the Complainant's asserts. The Panel finds that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The fact that the Respondent is targeting the Complainant's trademark (as discussed below) supports the Panel's conclusion that its trademark has achieved significance as a source identifier. *Farmland Reserve UK Limited v. Privacy Administrator, Anonymize, Inc.*, WIPO Case No. [D2021-1392](#).

The Panel finds the CAPTAIN'S mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "caribbean" in one disputed domain name and "global" in the other disputed domain name) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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, any of which (if found by the Panel to be proved) shall demonstrate that the Respondent has rights or legitimate interests in respect of 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 3.1](#), 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 names. The Respondents have not rebutted the Complainant's prima facie showing and have not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Panel acknowledges that, in the absence of evidence suggesting name selection because of correspondence to a trade mark, domain resale can be a legitimate business enterprise and can represent legitimate interests for the purposes of the Policy (see *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. [D2006-0964](#)). For example, generally speaking, UDRP panels have accepted that aggregating and holding domain names (usually for resale) consisting of acronyms, dictionary words, or common phrases can be bona fide and is not per se prohibited under the UDRP. See, for example, *Ganeden Biotech, Inc. and Kerry Luxembourg S.à.r.l v. Rob Monster*, WIPO Case No. [D2019-3012](#).

As discussed below in respect of the third element of the Policy, the Panel considers that the Respondents registered the disputed domain names not because it is a common phrase or dictionary term, but because of their awareness of the Complainant.

The Panel adopts the reasoning in *Media General Communications, Inc. v. Rarenames, WebReg*, WIPO Case No. [D2006-0964](#), that the determination of legitimacy of the registration depends largely on whether the Respondent was acting in good faith or in bad faith under the third element. Accordingly, for the reasons set out above and that follow, the Panel finds that the Respondents has not rebutted the Complainant's prima facie case.

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

C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Respondents registered the two disputed domain names that are substantially identical to two of the Complainant's pending United States trademark applications very shortly after the Complainant filing these trademark applications.

The timing of the registration of the disputed domain names strongly suggests that the Respondent was aware of the Complainant and registered the disputed domain names primarily for the purpose of selling or otherwise transferring the disputed domain names to the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs. Even with no evidence of any publicity or prelaunch marketing under the CAPTAIN'S CARIBBEAN and CAPTAIN's GLOBAL marks by the Complainant, the Panel could make a finding of bad faith registration under the Policy on the facts presented to the Panel. See, *Lazard Freres & Co. LLC and Lazard Frères S.A.S. v. Super Privacy Service LTD c/o Dynadot / Domain Admin, Kevin Yao*, WIPO Case No. [D2021-1028](#); *Microban Products Company v. Super Privacy Service LTD c/o Dynadot / Akin Demir*, WIPO Case No. [D2022-2869](#); and *Jam City, Inc. v. Aleksei Prokudin*, WIPO Case No. [D2022-0414](#).

The Panel finds 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 that the disputed domain names <captainscaribbean.com> and <captainsglobal.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: March 19, 2026