ADMINISTRATIVE PANEL DECISION
Central Garden & Pet Company v. Carlo Panaccione
Case No. D2026-1449

1. The Parties

Complainant is Central Garden & Pet Company, United States of America ("United States") represented by CSC Digital Brand Services Group AB, Sweden.

Respondent is Carlo Panaccione, United States.

2. The Domain Name and Registrar

The disputed domain name <domyownpro.com> (the "Domain Name") is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 3, 2026. On April 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 9, 2026, 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 Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to Complainant on April 9, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 9, 2026.

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 Respondent of the Complaint, and the proceedings commenced on April 15, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was May 5, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on May 13, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on May 20, 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.

4. Factual Background

Complainant is a Delaware corporation and an innovator, marketer, and producer of quality branded products for consumer and professional use in the lawn and garden and pet supplies markets. Founded in 1980 as a distribution company, Complainant has evolved its business into a portfolio of brands in the lawn and garden supplies and pet supplies industry. The DOMYOWN trademark is owned by P&M Solutions, LLC ("P&M Subsidiary"), a wholly owned subsidiary of Complainant (collectively, Complainant and P&M Subsidiary will be referred to as "Complainant").

Relevant to this matter, Complainant owns the DOMYOWN trademark registration, United States Reg No. 5625144, registered December 11, 2018, for electronic commerce services, namely, providing information about products via telecommunication networks for advertising and sales purposes, in International Class 35.

The Domain Name was registered on August 30, 2025. The Domain Name was previously used to resolve to a website that featured the DOMYOWN trademark and logo, and mirrored the overall design, color scheme, images, and text found on Complainant's website. At present and at the time of filing of the Complaint, the Domain Name resolves to a blank page and lacks content.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element of the Policy, Complainant contends that the Domain Name is identical or confusingly similar to a trademark in which Complainant has rights. Complainant asserts that it has longstanding trademark rights in the DOMYOWN Mark through its wholly-owned subsidiary's use and registration, with its United States trademark registration dating to December 11, 2018, and its first use in commerce on May 19, 2017. Collectively, these common law and registered trademark rights in DOMYOWN are referred to as the "DOMYOWN Mark".

According to Complainant, the Domain Name captures Complainant's DOMYOWN trademark in its entirety and simply adds the descriptive term "pro" to the end of the trademark. Complainant asserts that the mere addition of this descriptive term to Complainant's trademark does not negate the confusing similarity between the Domain Name and Complainant's trademark

With respect to the second element of the Policy. Complainant contends that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant states that it has not sponsored, authorized, or otherwise permitted Respondent to use Complainant's trademark in any manner, including in domain names. Complainant notes that Respondent is not commonly known by the Domain Name and that the registrant name "Carlo Panaccione" does not resemble the Domain Name in any manner, and there is no evidence in the record that Respondent has acquired any trademark or service mark rights in "domyownpro". Complainant provides evidence that Respondent previously used the Domain Name to host a website that copied Complainant's P&M Subsidiary's actual website, featuring the DOMYOWN logo and copying the overall design, color scheme, images, and text found on Complainant's P&M Subsidiary's website. The Domain Name's website is alleged to have been purposely designed to serve as replica of Complainant's website, all as a means of deceiving Internet users into believing that the Domain Name and its website were associated with Complainant. Complainant argues that Respondent's attempt to pass off the Domain Name as being affiliated with Complainant is in itself evidence that Respondent does not have rights and legitimate interests in the Domain Name.

Complainant also discusses that at present, Respondent is using the Domain Name to resolve to a blank page and lacks content. Complainant asserts that Respondent has failed to make use of this Domain Name's website and has not demonstrated any attempt to make legitimate use of the domain name and website, which evinces a lack of rights or legitimate interests in the Domain Name.

With respect to the third element of the Policy, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant's DOMYOWN Mark is known internationally, with a trademark registration in the United States, and Complainant has marketed and sold its goods and services using this trademark since 2017, which is well before Respondent's registration of the Domain Name on August 30, 2025.

Complainant asserts that Respondent has created a domain name that is confusingly similar to Complainant's DOMYOWN Mark, as well as its <domyown.com> domain name. Moreover, Complainant alleges that Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business. Moreover, Respondent was previously using the Domain Name to host a website that copied Complainant's actual website. As a result, Complainant argues that it is not possible to conceive of a plausible situation in which Respondent would have been unaware of Complainant's brands at the time the Domain Name was registered.

Complainant maintains that the DOMYOWN Mark is so closely linked and associated with Complainant that Respondent's use of this mark, or any minor variation of it, strongly implies bad faith. Complainant alleges that Respondent is engaged in bad faith use by creating a likelihood of confusion with Complainant and its trademarks by registering a confusingly similar domain name and using it to host a website nearly identical to Complainant's own, with Respondent then attempting to profit from such confusion by appearing to sell Complainant's own products.

Respondent's prior use of the Domain Name also constitutes a disruption of Complainant's business and qualifies as bad faith registration and use under Policy paragraph 4(b)(iii) because Respondent's domain name is confusingly similar to Complainant's trademarks and primary domain name, and the website at the Domain Name was being used to offer Complainant's goods or services without Complainant's authorization or approval.

Lastly, Complainant asserts that past panels have noted that the word "use" in the context of the Policy does not require a positive act on the part of Respondent, and instead, passively holding a domain name can constitute a factor in finding bad faith registration and use.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;

(ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. D2009-1779; *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. D2007-0605; see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition, ("WIPO Overview 3.1"), section 1.7.

Complainant has demonstrated that it has rights in the trademark because Complainant's wholly-owned subsidiary holds a valid United States trademark registration for the DOMYOWN trademark, and Complainant (as the parent company) is entitled to rely on those trademark rights in this proceeding. WIPO Overview 3.1, sections 1.2.1 and 1.4.1.

The Panel finds that Complainant's DOMYOWN Mark is recognizable within the Domain Name. The Domain Name incorporates the entirety of the DOMYOWN mark with the addition of the descriptive term "pro". Although the addition of the term "pro" may bear on the assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the Domain Name 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

Under the Policy's second element, paragraph 4(a)(ii), Complainant has the burden of establishing that Respondent has no rights or legitimate interests in the Domain Name. Complainant needs to make a prima facie showing on this element, at which point the burden of production shifts to Respondent to present evidence that it has rights or legitimate interests in the Domain Name. If Respondent has failed to do so, Complainant is deemed to have satisfied its burden under paragraph 4(a)(ii) of the Policy. See *Vicar Operating, Inc. v. Domains by Proxy, Inc. / Eklin Bot Systems, Inc.*, WIPO Case No. D2010-1141.

In this case, Complainant has put forward a compelling prima facie case that Respondent has no rights or legitimate interests in the Domain Name. Complainant states that it has never authorized or permitted Respondent to use the DOMYOWN Mark, and there is no evidence of any relationship between the Parties that would give rise to any license or permission for Respondent to use this trademark. Respondent is not commonly known by the Domain Name or by any name corresponding to "DO MY OWN" or "DOMYOWNPRO". Indeed, the only name associated with Respondent is "Carlo Panaccione", which has no connection to the term DOMYOWN Mark or the Domain Name.

Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy[1] or otherwise.

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[1] The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Instead, the record demonstrates that Respondent has engaged in conduct that negates any claim to legitimate interests. Specifically, Respondent has operated a website that impersonates Complainant by adopting similar branding and using copied text and images from Complainant's website to purportedly sell the same types of products as sold by Complainant's P&M Subsidiary, thereby misleading Internet users into believing there is an affiliation with or authorization by Complainant. Such impersonation is inconsistent with bona fide use and constitutes clear evidence of an intent to capitalize on Complainant's reputation. Panels have consistently held that impersonation of a complainant or its business through a domain name and associated website negates any claim to rights or legitimate interests. See *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. D2021-1714 ("a [disputed domain name's] use cannot be deemed bona fide if the disputed domain names constitute trademark infringement"), citing *Sai Machine Tools Pvt. Ltd. v. Mr. Sudhir Jaiswal, Shree Sai Extrusion Technik Pvt. Ltd*, WIPO Case No. D2018-2560 ("bona fide use is predicated on honest adoption of the name" and respondent failed to show such honest adoption; rather, respondent's use was infringing and therefore not bona fide).

At present, the Domain Name resolves to a blank page. The Panel notes that Respondent's current passive holding or non-use of the Domain Name does not create a legitimate interest and does not cure or negate the prior bad faith registration or use. The lack of current use does not erase the fact that Respondent previously operated an impersonation website that copied Complainant's logo, branding and other website content.

Respondent, having defaulted, has not submitted any evidence to rebut Complainant's prima facie case. There is nothing in the record to suggest that any of the circumstances enumerated in Policy paragraph 4(c) (or any other basis for rights or legitimate interests) would apply. Respondent's current use of the Domain Name is not in connection with a bona fide offering of goods or services, nor was the previous use, but rather in connection with a deceptive e-commerce site that infringed Complainant's rights, and Respondent is not making any legitimate noncommercial or fair use of the Domain Name, but instead is seeking to mislead Internet users for commercial gain.

The Panel concludes that Complainant's unrebutted evidence establishes that Respondent has no rights or legitimate interests in the Domain Name. Therefore, the second element of the Policy is satisfied.

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. The Policy provides a non-exhaustive list of circumstances that shall be considered evidence of bad faith (Policy, paragraph 4(b)). Two of these illustrative circumstances are directly relevant here. First, paragraph 4(b)(iii) considers it evidence of bad faith if a respondent has registered a domain name primarily for the purpose of disrupting the business of a competitor. Second, paragraph 4(b)(iv) provides that bad faith is demonstrated where a respondent, by using the domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or of a product or service on that website.

Bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no rights or legitimate interests. See *Accor v. Kristen Hoerl*, WIPO Case No. D2007-1722. Here, the incorporation of Complainant's coined brand name, "DOMYOWN", together with evidence that Respondent's website mimicked Complainant's branding, used its stylized logo and copied images and content from Complainant's website, leaves no doubt that Respondent knew of and targeted Complainant's mark when registering the Domain Name. Respondent's choice of the Domain Name was not some coincidence; it was plainly intended to give Internet users the false impression that the Domain Name and corresponding website are owned by, operated by, or affiliated with Complainant. In the view of the Panel, Respondent's deliberate impersonation of Complainant demonstrates that Respondent registered the Domain Name with Complainant's trademark firmly in mind and with the intention of exploiting it. This supports a finding of bad faith registration.

See WIPO Overview 3.1, section 3.2.2 (noting that panels may find bad faith where a respondent knew or should have known of a complainant's mark and nevertheless registered a domain name incorporating that mark). There is no explanation for Respondent to have chosen to register the Domain Name other than to intentionally trade off the goodwill and reputation of Complainant's trademark or otherwise create a false association with Complainant. With no response from Respondent, Complainant's claim concerning Respondent's scheme is undisputed.

Turning to the use of the Domain Name, by previously operating an online store that closely imitated Complainant's official website, Respondent has shown an intent to confuse and mislead consumers for commercial gain. Respondent's website prominently displayed Complainant's DOMYOWN Mark and its logo, purported to offer the same types of products for sale, used images and text from Complainant's website, and generally created a false impression of being an official "pro" DoMyOwn retail outlet. Internet users were thus likely to be lured to Respondent's site in the belief that they were visiting a genuine store associated with Complainant, when in fact they were dealing with an unrelated entity. This is bad faith use of a domain name within the meaning of Policy paragraph 4(b)(iv). In addition, such conduct also inevitably disrupts Complainant's business (e.g., by diverting potential sales or damaging customer trust), which is evidence of bad faith under Policy paragraph 4(b)(iii). See also WIPO Overview 3.1, section 3.1 (evidence of mimicking the complainant's website is evidence that a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark).

As detailed above, the Panel finds on the record before it that Respondent's intention in registering the Domain Name was to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with the DOMYOWN Mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, and its use has the likely effect of disrupting Complainant's business. Thus, the Panel holds that Complainant has met its burden of providing sufficient evidence that Respondent registered and is using the Domain Name in bad faith under paragraph 4(b)(iii) and (iv) of the Policy. Respondent's current use of the Domain Name to resolve to an inactive website does not prevent this finding, for the reasons set forth above. WIPO Overview 3.1, section 3.3.

For these reasons, the Panel holds that Complainant has met its burden of showing that Respondent registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name, <domyownpro.com>, be transferred to Complainant.

/John C. McElwaine/
John C. McElwaine
Sole Panelist
Date: June 3, 2026