

ADMINISTRATIVE PANEL DECISION

Scentbird Inc. v. no lar frank
Case No. D2026-1775

1. The Parties

The Complainant is Scentbird Inc., United States of America ("United States"), represented by Cole-Frieman & Mallon, LLP, United States.

The Respondent is no lar frank, Philippines.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 24, 2026. On April 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 27, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2026, 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 April 30, 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 the Respondent of the Complaint, and the proceedings commenced on May 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 26, 2026.

The Center appointed Torsten Bettinger as the sole panelist in this matter on June 1, 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

The Complainant is Scentbird Inc., a Delaware corporation with an address in Somerset, New Jersey, United States.

The Complainant operates a United States-based subscription service for designer fragrances. The Complainant's business includes the marketing and sale of fragrance-related products through online channels, including through its website at "www.scentbird.com".

The Complainant also operates and uses the domain name <drift.co>, which was created on July 20, 2010, in connection with its DRIFT-branded business.

The Complainant owns trademark rights in the mark DRIFT. These include, inter alia, the following United States trademark registrations:

- United States Trademark Registration No. 7,931,659 for DRIFT, registered on September 2, 2025, in classes 3, 4 and 35 for use, inter alia, in connection with, inter alia, "online retail store services featuring air fragrancing preparations, air deodorizers, air deodorizing preparations, car deodorizers, scented room sprays, scented candles, and air fragrance reed diffusers; subscription-based order fulfillment services in the field of air fragrancing preparations, air deodorizers, air deodorizing preparations, car deodorizers, scented room sprays, scented candles; and air fragrance reed diffusers";
- United States Trademark Registration No. 6,321,131 for DRIFT in stylized form, registered on April 13, 2021, for use in class 5 in connection with "air deodorizers; air deodorizing preparations; car deodorizers"; and
- United States Trademark Registration No. 6,332,127 for DRIFT, registered on April 27, 2021, for use in classes 5 and 35 in connection with "retail store services featuring air deodorizers, air deodorizing preparations, car deodorizers, mounting systems for air deodorizers".

The disputed domain name was registered on April 16, 2026 and resolves to a website that prominently displays the Complainant's DRIFT brand and offers a range of DRIFT-branded fragrance and related products, including home fragrance products, reed diffusers, room sprays, scented candles, car fresheners, visor clips, branded apparel, gift sets, and colognes.

The evidence submitted by the Complainant shows that the Respondent's website reproduces or closely imitates the Complainant's DRIFT branding, product imagery, layout, and written content. The website also advertises substantial discounts, including "70% OFF ALL PRODUCT", and includes shopping cart and checkout functionality.

The website further includes footer links such as "About Us", "Shipping Policy", "Refund Policy", "Terms Of Purchase", "Privacy Policy", and "Terms Of Use", and displays the notice "Copyright 2026©Driftmalls.Com".

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.

With regard to the requirement of identity or confusing similarity between the trademark and the disputed domain name pursuant to paragraph 4(a)(i) of the Policy, the Complainant contends that

- the disputed domain name incorporates the Complainant's DRIFT trademark in its entirety;
- the addition of the term "malls" does not prevent a finding of confusing similarity;
- the DRIFT mark remains clearly recognizable within the disputed domain name; and
- the generic Top-Level Domain ("gTLD") ".com" should be disregarded for the purposes of the confusing similarity analysis.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submits that

- the Respondent has no relationship with the Complainant;
- the Complainant has never assigned, granted, licensed, sold, transferred, or otherwise authorized the Respondent to register or use the DRIFT mark;
- the Respondent is not commonly known by the disputed domain name;
- the Respondent is using the disputed domain name to operate an online store that prominently displays the DRIFT mark and offers fragrance products identical or similar to those offered by the Complainant;
- the Respondent's website copies or imitates the Complainant's branding, product imagery, layout, and written content;
- such use is not a bona fide offering of goods or services and is not a legitimate noncommercial or fair use; and
- the Respondent's conduct is intended to mislead Internet users into believing that the website is operated by, affiliated with, or authorized by the Complainant.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that

- the Complainant's DRIFT trademark rights predate the registration of the disputed domain name;
- the Respondent registered the disputed domain name with knowledge of the Complainant and its DRIFT mark;
- the disputed domain name incorporates the Complainant's DRIFT mark in its entirety together with the term "malls", which suggests an online shopping platform;
- the Respondent uses the disputed domain name for a commercial online store offering the same or similar products as those offered by the Complainant;
- the Respondent copied or imitated the Complainant's website content, branding, graphics, and product presentation;
- the Respondent intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's DRIFT mark; and

- the Respondent's conduct constitutes registration and use in bad faith under paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Complainant must prove each of the following three elements:

- (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 has been registered and is being used in bad faith.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of the DRIFT trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name consists of the term "driftmalls" followed by the gTLD ".com". The Complainant's DRIFT trademark is incorporated in its entirety and is clearly recognizable within the disputed domain name.

The addition of the term "malls" does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.8.

The gTLD ".com" is a standard registration requirement and is disregarded under the first element confusing similarity analysis.

Accordingly, the Panel finds that 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 that 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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its DRIFT trademark. There is no evidence on the record that the Respondent is affiliated with the Complainant or has been commonly known by the disputed domain name.

The disputed domain name incorporates the Complainant's DRIFT trademark in its entirety. The addition of the term "malls" does not create any independent rights or legitimate interests in the disputed domain name. Rather, in the context of the Respondent's use of the disputed domain name for an online store offering DRIFT-branded fragrance-related products, the disputed domain name carries a risk of implied affiliation.

The evidence shows that the disputed domain name resolves to an online storefront prominently displaying the DRIFT name and offering fragrance products identical or similar to those covered by the Complainant's DRIFT trademark registrations and sold by the Complainant. The Respondent's website also appears to reproduce or imitate the Complainant's branding, product imagery, layout, and written content.

Such use of a domain name confusingly similar to the Complainant's trademark to operate a website that gives the impression of being operated by, affiliated with, or authorized by the Complainant does not constitute a bona fide offering of goods or services under the Policy.

Nor does the Panel find any evidence of legitimate noncommercial or fair use. The Respondent's website is commercial in nature and appears intended to capitalize on the reputation and goodwill of the Complainant's DRIFT trademark.

The Respondent has not submitted any response and has not come forward with any evidence of rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name <driftmalls.com> within the meaning of paragraph 4(a)(ii) of the Policy.

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.

Bad faith registration

In the present case, the Panel finds that the disputed domain name <driftmalls.com> was registered in bad faith.

The Complainant's DRIFT trademark registrations predate the registration of the disputed domain name. The Complainant has also used the DRIFT mark in connection with fragrance-related products and online retail activities before the Respondent registered the disputed domain name.

The disputed domain name incorporates the Complainant's DRIFT trademark in its entirety.

The Respondent's website displays DRIFT-branded products, uses the DRIFT name prominently, offers goods corresponding to the Complainant's field of activity, and appears to copy or imitate the Complainant's website content and product presentation. In these circumstances, the Panel finds it implausible that the Respondent selected the disputed domain name independently or without knowledge of the Complainant and its DRIFT trademark.

The Respondent's use of the disputed domain name shortly after its registration for a website targeting the Complainant's trademark, goods, imagery, and commercial presentation further supports the conclusion that the Respondent registered the disputed domain name with the Complainant and its DRIFT trademark in mind.

Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

Bad faith use

The evidence further shows that the disputed domain name has been used to resolve to an online store prominently displaying the DRIFT mark and offering fragrance-related products, including car fresheners, home fragrance products, reed diffusers, room sprays, scented candles, and related goods.

The Respondent's website gives the impression that it is operated by, affiliated with, or authorized by the Complainant. It uses the DRIFT name, presents DRIFT-branded products, and appears to reproduce or imitate the Complainant's graphics, layout, and written content. The website also includes commercial features, including discounted prices, "Add to Cart" and checkout functions.

In the Panel's view, the Respondent's use of the disputed domain name to attract Internet users to a commercial online store by creating a likelihood of confusion with the Complainant's DRIFT trademark as to source, sponsorship, affiliation, or endorsement constitutes bad faith use under paragraph 4(b)(iv) of the Policy.

The Panel further considers that the Respondent's apparent copying or imitation of the Complainant's branding, product imagery, layout, and written content reinforces the finding that the Respondent intentionally sought to pass off the Complainant and exploit the goodwill associated with the DRIFT mark.

The Respondent has not filed any response and has not provided any plausible explanation for its registration or use of the disputed domain name.

Accordingly, the Panel finds that the disputed domain name <driftmalls.com> has been registered and is being used in bad faith within the meaning of 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 disputed domain name <driftmalls.com> be transferred to the Complainant.

/Torsten Bettinger/

Torsten Bettinger

Sole Panelist

Date: June 15, 2026