ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Mignon and Mignon v. Claire Madeline Cook
Case No. D2026-3853

## 1. The Parties

The Complainant is Mignon and Mignon, United States of America ("United States"), represented internally.

The Respondent is Claire Madeline Cook, United States.

## 2. The Domain Name and Registrar

The disputed domain name <mignonandmignons.com> (the "Disputed Domain Name") is registered with NameCheap, Inc. (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 27, 2026. On September 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 2, 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, Privacy service provided by WITHHELD FOR PRIVACY LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 amendment to the Complaint on September 8, 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 Respondent of the Complaint, and the proceedings commenced on September 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 30, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on October 6, 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 a California corporation based in Irvine, California, United States, that specializes in handcrafted, personalized, and custom-engraved jewelry. The Complainant sells its customized jewelry through its official website as well as on its Etsy shop.

The Complainant owns the following registered trademark through the United States Patent and Trademark Office ("USPTO"): MIGNONANDMIGNON, United States Registration No. 7,766,190, registered on April 22, 2025, with a date of first use in commerce of January 8, 2015, in International Class 14 (hereinafter referred to as the "MIGNONANDMIGNON Mark").

The Complainant owns the domain name <mignonandmignon.com>, registered on June 12, 2015, which resolves to its official website at "www.mignonandmignon.com", and on which it promotes and sells its jewelry online.

The Disputed Domain Name was registered on May 11, 2026, and resolves to a website that attempts to pass off as the Complainant's website, with identical titles of products and identical photographs of jewelry pieces as those on the Complainant's website. Content on the Respondent's website also includes statements and descriptions of the jewelry copied from the Complainant's official website. The Complainant indicates that the foregoing use of photographs and content on the Respondent's website, plus the promotion and offering for sale of the Complainant's products on the Respondent's website, are without authorization. Screenshots comparing portions of the Complainant's and the Respondent's websites were submitted by the Complainant as annexes to the Complaint.

## 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. Notably, the Complainant contends that:

- the Disputed Domain Name is confusingly similar to the MIGNONANDMIGNON Mark because the Disputed Domain Name contains the MIGNONANDMIGNON Mark in its entirety, albeit a misspelling, adding the letter "s" to the end of the second term "mignon", and then followed by the generic Top-Level Domain ("gTLD") ".com", which does not prevent a finding of confusing similarity;

- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, there is no evidence that the Respondent is commonly known by the Disputed Domain Name, and has not demonstrated any attempt to make legitimate use of the Disputed Domain Name; and

- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the choice of the Disputed Domain Name and the content of the Respondent's website demonstrates actual knowledge of the Complainant and its MIGNONANDMIGNON Mark, and the Disputed Domain Name is almost identical to the Complainant's trademark, differing only by the addition of the letter "s".

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

**B. Respondent**

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

**6. Discussion and Findings**

In order for the Complainant to prevail and have the Disputed Domain Name transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

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

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

(iii) the Disputed Domain Name was registered and is being used in bad faith.

**A. Identical or Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the MIGNONANDMIGNON Mark, as it is visually similar to the MIGNONANDMIGNON Mark, differing only by the misspelling of the mark by adding the letter "s" to the end of the second term "mignon".

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has established rights in the MIGNONANDMIGNON Mark based on its registered trademark for the MIGNONANDMIGNON Mark in the United States. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of WIPO Overview 3.1, "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Panel therefore finds that the Complainant has rights in the MIGNONANDMIGNON Mark and has satisfied the threshold requirement for standing to file a UDRP case.

The Disputed Domain Name consists of the MIGNONANDMIGNON Mark in its entirety, albeit misspelled with an extra letter "s" at the end of the second term "mignon" in the Disputed Domain Name. Such a minor modification to a disputed domain name is commonly referred to as "typosquatting" and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of "mignon" to "mignons" does not prevent a finding of confusing similarity to the MIGNONANDMIGNON Mark. See WIPO Overview 3.1, section 1.9: "A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark." See also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. D2008 1302; and *Singapore Press Holdings Limited v. Leong Meng Yew*, WIPO Case No. D2009-1080.

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. D2012-0182 and WIPO Overview 3.1, section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's MIGNONANDMIGNON Mark.

Based on the available record, 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its MIGNONANDMIGNON Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

The Disputed Domain Name resolves to a website passing off as the Complainant's website, displaying and promoting identical customized jewelry pieces as those on the Complainant's official site. Thus, the Respondent does not have rights or legitimate interests in the Disputed Domain Name. When Internet users arrive at the Respondent's website, they will find a site in which the Respondent impersonates the Complainant, promoting and offering for sale jewelry identical to, and that competes with, that offered by the Complainant on its official website. The Panel thus determines that the Respondent is not making a bona fide offering of goods nor a legitimate noncommercial or fair use of the Disputed Domain Name but rather is using the Disputed Domain Name for commercial gain with the intent to mislead the Complainant's customers into believing that they had arrived at the Complainant's website. The Panel also determines that the use of the Disputed Domain Name to pass off as the Complainant to offer competing goods does not confer rights or legitimate interests on the Respondent.

In sum, the Panel finds that the Complainant has established an unrebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Based on the available record, the Panel finds that the second element of the Policy has been established.

**C. Registered and Used in Bad Faith**

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy.

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. 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 3.1, section 3.2.1.

First, the Panel finds that the Respondent must have had actual knowledge of the Complainant and its rights in the MIGNONANDMIGNON Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or its MIGNONANDMIGNON Mark as evidenced by the Respondent's use of the trademark, although slightly misspelled, in the Disputed Domain Name, as well as the creation of a website with jewelry and descriptions identical to those of the Complainant. Thus, the Panel finds that in the present case, the Respondent had the Complainant's MIGNONANDMIGNON Mark in mind when registering and using the Disputed Domain Name.

Second, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of targeting the Complainant, indicating bad faith registration and use. The near identity of the Disputed Domain Name to the MIGNONANDMIGNON Mark, combined with the extensive reproduction of the Complainant's product photographs and content on the resulting commercial website, demonstrates both bad faith registration and use.

Third, the Panel finds that the Respondent's registration of the Disputed Domain Name was likely an attempt to confuse Internet users due to its likelihood of confusion with the MIGNONANDMIGNON Mark.

In sum, the Panel concludes that the circumstances of this case, including, but not limited to, the Respondent's use of the Disputed Domain Name, which incorporates a misspelled version of the MIGNONANDMIGNON Mark, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, support an inference of bad faith.

Based on the available record, the Panel finds that 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 Name <mignonandmignons.com> be transferred to the Complainant.

*/Lynda M. Braun/*
**Lynda M. Braun**
Sole Panelist
Date: October 15, 2026