

ADMINISTRATIVE PANEL DECISION

Drops, LLC v. Aaron fitness, David Miller, Vape store, and Martin Brandon,
Marijuana Space
Case No. D2024-5095

1. The Parties

Complainant is Drops, LLC, United States of America (“United States” or “U.S.”), represented by Holon Law Partners LLP, United States.

Respondents are Aaron fitness, Germany; David Miller, Vape store, Cameroon; and Martin Brandon, Marijuana Space, United States.

2. The Domain Names and Registrar

The disputed domain names <dropsgummies.com>, <dropsgummiesofficial.com>, and <dropsgummiesstore.com> (the “Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On December 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to Complainant on December 12, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all Domain Names are under common control. Complainant filed an Amended Complaint on December 17, 2024.

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 December 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on January 13, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on January 20, 2025. 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 an Oregon limited liability company that produces cannabis and hemp-infused candies. Relevant to this matter, Complainant owns a United States trademark registration for DROPS, U.S. Registration No. 5979611, registered on February 4, 2020, for candy, namely jelly candies.

The Domain Names were registered between February 19, 2024, and March 25, 2024. The Domain Names each resolve to websites that copy Complainant's content and imagery while offering competing cannabis-infused gummy products.

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 Names.

Complainant argues that consolidation is appropriate in this case because there is substantial evidence that the Domain Names are under common control. Specifically, Complainant notes that all three Domain Names were registered and hosted by the same registrar within a short timeframe between February and March 2024. Complainant further points out that the Domain Names follow an identical naming pattern, each incorporating "drops" and "gummies" with the same ".com" extension, specifically targeting Complainant's trademarks. Additionally, the Domain Names resolve to websites with identical layouts, visual appearances, and branding elements that copy substantial content directly from Complainant's website.

Complainant further asserts that the registration details for the purported registrants appear fictitious and deliberately misleading. For example, while David Miller lists a South Carolina address, but his country is listed as Cameroon. Similarly, the email addresses used for registration do not correspond to the registrants' claimed names, suggesting the same entity is operating under different aliases. Complainant argues this coordinated approach to registration and website operation, combined with the similar fraudulent schemes evidenced by consumer complaints, demonstrates the Domain Names are subject to common control and that consolidation would be fair and equitable to all Parties.

With respect to the first element of the Policy, Complainant asserts ownership of U.S. trademark registration for the DROPS trademark and multiple state registrations. Complainant also claims common law rights in the DROPS mark through continuous use since 2018, generating over USD 65 million in sales and substantial goodwill in the cannabis edibles industry. Collectively, these trademark rights are referred to as the "DROPS Mark." Complainant asserts that the Domain Names wholly incorporate Complainant's DROPS Mark with the addition of terms directly related to Complainant's business, specifically "gummies," "gummies store," and "gummies official." Complainant alleges that these additions do not alter the overall meaning or impression of the Domain Names, resulting in the likelihood of consumer confusion.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Names. Complainant contends it has not licensed or authorized Respondent to use its marks. Moreover, Respondent is using the Domain Names to impersonate Complainant and mislead consumers through websites that copy Complainant's content and imagery.

With respect to the third element of the Policy, Complainant alleges that Respondent deliberately registered the Domain Names incorporating Complainant's DROPS mark while adding terms like "official" and "store" to falsely imply legitimacy and affiliation with Complainant. Complainant further alleges that Respondent used the Domain Names to operate websites that copied Complainant's content and imagery without authorization. Specifically, the websites contain language copied directly from Complainant's website including identical product descriptions about their "key ingredient - live rosin" and how "each of our 10 Drops flavors is infused with a unique cannabis strain." Complainant points out that these websites also falsely claim to be the "Drop Gummies Official Store" and state products are "exclusively made with cannabis grown at Smokey Flower Farm in Oregon and offered by Drops Candies."

Complainant alleges to have received multiple consumer complaints evidencing Respondent's fraudulent scheme. Complainant asserts that consumers report that Respondent used the Telegram messaging application to claim they could ship products to all 50 states, and at least one consumer was defrauded after paying for products that were never delivered. Additionally, Respondent's Telegram profile allegedly advertises drugs like cocaine and ecstasy. Complainant argues these activities demonstrate Respondent's bad faith intent to profit from consumer confusion and tarnish Complainant's reputation.

Complainant notes that Respondent registered the Domain Names in early 2024, nearly six years after Complainant began using its mark and five years after establishing its online presence at <dropsandies.com>. Given the identical product offerings and copied website content, Complainant contends Respondent must have been aware of Complainant's rights when registering the Domain Names specifically to target Complainant's business.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Consolidation: Multiple Respondents

The Amended Complaint was filed against three different domain name registrants but alleges that the registrants of the Domain Names are the same entity or mere alter egos of each other, or under common control. The Amended Complainant requests the consolidation of the Complaint against the multiple registrants pursuant to paragraph 10(e) of the Rules.

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 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 Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

The Panel finds consolidation appropriate under paragraph 10(e) of the Rules. In addressing consolidation requests, panels consider whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Here, the evidence demonstrates common control of the Domain Names through multiple factors. First, all Domain Names were registered through the same registrar within a concentrated six-week period between February and March 2024. Second, the Domain Names follow an identical naming pattern, each incorporating "drops" and "gummies"

with descriptive terms, specifically targeting Complainant's trademark. Third, the Domain Names resolve to websites with highly similar layouts, visual appearances, and branding elements that copy substantial content directly from Complainant's website, including verbatim product descriptions and marketing language. Fourth, the registration details for the purported registrants contain suspicious inconsistencies suggesting fictitious information - for example, addresses listed in the United States but indicating different countries (Cameroon and Germany), and email addresses that do not correspond to the registrants' claimed names. The coordinated approach to registration and website operation, combined with the similar fraudulent schemes evidenced by consumer complaints, demonstrates that the Domain Names are subject to common control.

As regards fairness and equity, the Panel notes that none of the Domain Name registrants commented on or otherwise opposed Complainant's request. Moreover, consolidation promotes procedural efficiency given the connection between the Domain Names and their apparent common control, and the Panel sees no reason why consolidation would be unfair or inequitable to any party. Accordingly, the Panel decides to consolidate the disputes regarding the nominally different registrants (referred to collectively as "Respondent") in a single proceeding.

6.2 Substantive Matters

Even though Respondent has defaulted, paragraph 4(a) 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 Names are 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 Names; and
- (iii) the Domain Names have been registered and are 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 names. [WIPO Overview 3.0](#), section 1.7. Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2. Here, the Panel finds Complainant has established rights in the DROPS Mark through its U.S. trademark registration.

The Panel finds the mark is recognizable within the Domain Names. The Domain Names incorporate Complainant's DROPS mark in its entirety with the addition of related terms "gummies", "store", and "official" which do not prevent a finding of confusing similarity. Accordingly, the Domain Names are confusingly similar to the mark for the purposes of the Policy.

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

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See section 2.1 of the [WIPO Overview 3.0](#).

Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use its DROPS Mark. There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the terms “DROPS” or “DROPS GUMMIES”.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in 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 Names such as those enumerated in the Policy¹ or otherwise.

Moreover, Respondent cannot claim that its operation of the websites at the Domain Names provides rights or legitimate interests. Complainant provided evidence that Respondent was using the Domain Names for websites that copy Complainant’s content and imagery to sell competing products. The evidence shows Respondent’s websites copy substantial content directly from Complainant’s website, including unique product descriptions and marketing language. For example, the website at <dropsgummies.com> copies verbatim Complainant’s description: “Drops gummies is more than just a mouthwatering candy. It is a collection of experiences, made possibly by our key ingredient - live rosin.” Such activities cannot amount to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/passing off) can never confer rights or legitimate interests on a respondent.”).

In addition, it is not necessary for the Panel to make any ultimate determination as to the nature of the goods, as the evidence clearly shows Respondent has attempted to pass itself off as Complainant. The Panel notes that the composition of the Domain Names incorporating Complainant’s trademark with the terms “Gummies”, “Gummies Official” or “Gummies Store” all suggest a connection to Complainants’ or at the very least the risk of affiliation. Furthermore, the use of the inherently misleading Domain Names to divert Internet traffic to a webpage impersonating Complainant is not a bona fide offering of goods or services. See *Chicago Mercantile Exchange Inc., CME Group Inc. v. Registration Private, Domains By Proxy, LLC, DomainsByProxy.com / Nikolay Korobeynikov*, WIPO Case No. [D2016-0654](#) (finding no legitimate interests in a website resolving from the disputed domain name, which mirrored, and purported to be, the website of “CME Group” and which provided information relating to the trading of futures and options). Even if the products sold on the website are genuine, there is no disclosure of Respondent’s lack of relationship with Complainant on the website, and thus, the Oki Data test cannot be met. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

Lastly, Respondent’s use of the Domain Names is not noncommercial or fair use under paragraph 4(c)(iii) of the Policy, given that Respondent is allegedly selling counterfeit or competing products from an online retail website impersonating Complainant. Such activity is not considered noncommercial or fair use.

Accordingly, the Panel finds that Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the Domain Names, which Respondent has not rebutted. The Panel concludes that Complainant has satisfied the second element of the Policy.

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.”

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

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](#). As detailed above, Respondent registered the Domain Names which are confusingly similar to the DROPS Mark. There is no explanation for Respondent to have chosen to register the Domain Names 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, this claim is undisputed.

As discussed herein, Respondent registered the Domain Names and linked them to websites using Complainant’s DROPS Mark and logo and which contain substantial copying of Complainant’s website content, including product descriptions and marketing language. As noted above, it is not necessary for the Panel to make any ultimate determination as to the nature of the goods, as the Panel is satisfied that the use of the Domain Name by Respondent amounts to bad faith use. See *Identigene, Inc. v. Genetest Labs*, WIPO Case No. [D2000-1100](#) (finding bad faith where the respondent’s use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that the complainant is the source of or is sponsoring the services offered at the site); and *MathForum.com, LLC v. Weiguang Huang*, WIPO Case No. [D2000-0743](#) (finding bad faith under paragraph 4(b)(iv) of the Policy where the respondent registered a domain name confusingly similar to the complainant’s mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark).

As detailed above, the Panel finds on the record before it that Respondent’s intention in registering the Domain Names was to attract, for commercial gain, Internet users to Respondent’s websites by creating a likelihood of confusion with the DROPS Mark as to the source, sponsorship, or affiliation. Thus, the Panel holds that Complainant has met its burden of providing sufficient evidence that Respondent registered and is using the Domain Names in bad faith under paragraph 4(b)(iv) of the Policy.

For the reasons set forth above, the Panel holds that Complainant has met its burden under paragraph 4(a)(iii) of the Policy and has established that Respondent registered and is using the Domain Name in bad faith.

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 Names <dropsgummies.com>, <dropsgummiesofficial.com> and <dropsgummiesstore.com> be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: February 3, 2025