

ADMINISTRATIVE PANEL DECISION

Burlington Coat Factory Warehouse Corporation v. Dorie McCrann, Burlington Stores; Allisson Kelly, Burglington Group; Benedict Ernestine, Under Armour; Paul Jackson, Burlington; Karis Caruso, Burglington Group; Moses Adejo, Whitemoney chilling; Bovi Gabriel, Under Armour; Freedom Wakaso, Under Armour; Lawrence James, Bristol store; Sunday Onoja, Company stores aliens; Ryan Michael, Burlington; Bron Samuel, Burglington Group; Karis Donnelly, Burglington Group
Case No. D2025-0465

1. The Parties

The Complainant is Burlington Coat Factory Warehouse Corporation, United States of America ("United States"), represented by Day Pitney LLP, United States.

The Respondents are Dorie McCrann, Burlington Stores; Allisson Kelly, Burglington Group; Benedict Ernestine, Under Armour; Paul Jackson, Burlington; Karis Caruso, Burglington Group; Moses Adejo, Whitemoney chilling; Bovi Gabriel, Under Armour; Freedom Wakaso, Under Armour; Lawrence James, Bristol store; Sunday Onoja, Company stores aliens; Ryan Michael, Burlington; Bron Samuel, Burglington Group; Karis Donnelly, Burglington Group; all of United States.

2. The Domain Names and Registrar

The disputed domain names <burlingtongroups.store>, <burlingtonclothings.store>, <burlingtonfashion.store>, <burlingtongroup.store>, <burlingtonstores.shop>, <burlingtonclothing.store>, <burlingtondesigns.store>, <burlingtonfashion.store>, <burlingtonapparelhr.store>, <burlingtondesign.store>, <burlingtondesigns.store>, <burlingtonbrand.store>, <burlingtoncompanydesigns.store>, <burlingtoncompanydesign.store>, <burlingtonfashions.store>, <burlingtoncloths.store>, and <burlingtonjobs.store>, are registered with NameCheap, Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 5, 2025, originally in relation to the domain names <burlingtongroups.store>, <burlingtonclothings.store>, <burlingtonfashion.store>, <burlingtongroup.store>, <burlingtonstores.shop>, <burlingtonclothing.store>, <burlingtonfashion.store>, <burlingtondesign.store>, and <burlingtondesigns.store>. On February 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the

disputed domain names. On February 6, 2025, 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 Respondent (Redacted for Privacy, Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 7, 2025, 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 February 12, 2025, requesting the addition of the domain names <burglintondesigns.store>, <burlingtonapparelhr.store>, <burlingtonbrand.store>, <burlingtoncompanydesigns.store>, <burlingtoncompanydesign.store>, <burlingtonfashions.store>, <burglintoncloths.store>, and <burlingtonjobs.store>. On February 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the added disputed domain names. On the same date, 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 and contact information in the Complaint.

The Center sent email communications to the Complainant on February 7 and 13, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed 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. The Complainant filed an amended Complaint on February 17, 2025.

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 Respondents of the Complaint, and the proceedings commenced on February 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on March 12, 2025.

The Center appointed Kathryn Lee as the sole panelist in this matter on March 14, 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

The Complainant is an off-price retailer of clothing, footwear, accessories, toys, home goods, and beauty supplies founded in 1972, with headquarters in New Jersey and more than 1,000 stores in 46 states, Washington D.C., and Puerto Rico. The Complainant is a Fortune 500 company and its common stock is traded on the New York Stock Exchange. The Complainant's sales in 2020, 2021, and 2022 were 5.8 billion USD, 9.3 billion USD, and 8.7 billion USD, respectively. The Complainant owns a number of trademark registrations to the BURLINGTON and BURLINGTON-based marks, including the following:

- BURLINGTON, United States Registration Number 3836659, registered on August 24, 2010;
- BURLINGTON (stylized), United States Registration Number 6910510, registered on November 29, 2022;
- BURLINGTON COAT FACTORY, United States Registration Number 1850094, registered on August 16, 1994; and
- BURLINGTON COAT FACTORY, United States Registration Number 4179482, registered on July 24, 2012.

The disputed domain names were registered between January 20, 2025, and February 11, 2025.

As of the date of filing of the Complainant, the disputed domain names <burlingtongroups.store>, <burlingtonclothings.store>, <burglingtonfashion.store>, <burglingtongroup.store>, <burglintonclothing.store>, <burglintonfashion.store>, <burlingtondesign.store> and <burlingtondesigns.store> did not resolve to any active website with content.

As for disputed domain names <burlingtonstores.shop>, <burlingtondesigns.store>, <burlingtonbrand.store>, <burlingtoncompanydesigns.store>, <burlingtoncompanydesign.store>, <burlingtonfashions.store>, and <burglintoncloths.store>, and <burglintonapparelhr.store>, they resolved to websites displaying pay-per-click ("PPC") links to terms such as "Burlington Store", "Clothing Shopping", and "Women Dresses".

The Complainant has provided evidence that the disputed domain names <burglingtonfashion.store>, <burlingtondesigns.store>, <burlingtondesign.store>, <burglintonapparelhr.store>, <burglintonclothing.store>, <burlingtoncompanydesigns.store>, <burlingtonstores.shop>, <burlingtonfashions.store>, <burlingtonclothings.store>, <burglintondesigns.store>, <burglintonfashion.store>, <burglingtongroup.store>, <burglintoncloths.store>, <burlingtonjobs.store> were used in connection with a fraudulent email scheme.

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 disputed domain names are confusingly similar to the marks in which the Complainant has rights since the disputed domain names incorporate the Complainant's famous and distinctive BURLINGTON mark, or a very close misspelling of the mark, adding only generic and related terms such as "store", "group", "clothing", and "fashion".

The Complainant also contends that the Respondents have no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondents in any respect. The Complainant further contends that there is no evidence of the Respondents' use of, or demonstrable preparations to use the disputed domain name in providing any bona fide offering of goods or services, nor any evidence that the Respondents have been commonly known by the disputed domain name, or legitimate noncommercial or fair use of the disputed domain name by the Respondents. Rather, the Complainant contends that the Respondents used some of the disputed domain names (i.e., <burlingtonclothings.store>, <burglingtonfashion.store>, <burglingtongroup.store>, <burlingtonstores.shop>, <burglintonfashion.com>, <burglintonclothing.store>, <burlingtondesigns.store>, <burglintonapparelhr.store>, <burlingtondesign.store>, <burglintondesigns.store>, <burlingtoncompanydesigns.store>, <burlingtonfashions.store>, <burglintoncloths.store>, and <burlingtonjobs.store>) in connection with a scam activity, specifically, to impersonate recruiters of the Complainant and offer fake jobs and solicit personal and financial information from would-be applicants. The Complainant contends that such use creates confusion with the Complainant's marks, infringes on the Complainant's trademark rights, and creates a risk of irreparable harm to the Complainant's reputation and goodwill, and that such use does not confer rights or legitimate interests on the Respondents.

Finally, the Complainant contends that the disputed domain names were registered and used in bad faith. The Complainant contends that the Respondents' use of the disputed domain names in furtherance of fraud activities indicates that the Respondents have no intention of providing bona fide investment or trading services, and that they only registered and used the disputed domain names to deceive and profit from online users unaware of the fraudulent nature of the websites at the disputed domain names. The Complainant also contends that most of the disputed domain names were used to display PPC links, and in addition, the Respondents used a privacy proxy service to shield their true identity which are further evidence of bad faith.

B. Respondents

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

6. Discussion and Findings

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

As regards common control, the Panel notes that most of the disputed domain names have different registrants except for <burlingtongroups.store>, <burlingtonclothings.store>, and <burlingtonfashion.store>; <burglintonclothing.store> and <burglintondesigns.store>; and <burlingtonfashion.store> and <burlingtonapparelhr.store> which are registered under the same names. Nonetheless, the Panel is of the opinion that all 17 disputed domain names are subject to common control.

For one, the disputed domain names were all registered within a span of three weeks and are held by the same Registrar, and have the same naming pattern: "burlington" or its misspelling "burglinton" or "burlignton" plus a combination of descriptive words such as "clothing", "design", and "brand."

Plus, most of them share the same registrant's address: nine with the same address and six with another address. As for the remaining two, they both indicate addresses in the same state, and disputed domain name <burlingtonfashion.store> shares the same phone number as disputed domain name <burglintoncloths.store>.

In addition, 16 of the disputed domain names are registered with the generic Top-Level Domain ("gTLD") ".store." As for <burlingtonstores.shop> which has the ".shop" gTLD, the shared naming pattern and address suggest a likelihood of common control. The Panel also notes the content of the disputed domain names, which either resolved to inactive pages or PPC links, and the fact that some of the disputed domain names were used in connection with a similar fraudulent scheme,

For the reasons above, the Panel is of the view that all 17 of the disputed domain names are controlled by the same Respondent.

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.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names.

First of all, the Complainant's BURLINGTON mark is reproduced within the disputed domain names <burlingtongroups.store>, <burlingtonclothings.store>, <burlingtonstores.shop>, <burlingtondesigns.store>, <burlingtondesign.store>, <burlingtonbrand.store>, <burlingtoncompanydesigns.store>, <burlingtoncompanydesign.store>, <burlingtonfashions.store>, and <burlingtonjobs.store>. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Further, the Panel finds the BURLINGTON mark is recognizable within the disputed domain names <burlingtonfashion.store>, <burglingtonfashion.store>, <burglintongroup.store>, <burglintonclothing.store>, <burlingtonapparelhr.store>, <burglintondesigns.store>, and <burglintoncloths.store>. Accordingly, these disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. In addition, they could be considered typosquatting as they each contain small typos in the BURLINGTON mark involving the letter "g" – whether it is moved to a different location, or an additional letter is added. Previous UDRP panels have concluded that a domain name that consists of an intentional misspelling of a trademark is considered confusingly similar to the relevant trademark for the purposes of the first element. See [WIPO Overview 3.0](#), section 1.9.

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 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 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 3.0](#), 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 Respondent has not rebutted the Complainant's prima facie showing and has 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.

Moreover, the disputed domain names are composed of the BURLINGTON mark or what would appear to be intentional misspellings of this mark, along with additional terms such as "clothing", "fashion", "brand",

“design”, “stores”, “group”, and “jobs” which are closely connected with and suggest sponsorship or endorsement by the Complainant which is in the retail business.

In addition, the Complainant submitted evidence that the Respondent posed as the Complainant and contacted prospective job applicants using 14 of the disputed domain names (i.e., <burlingtonclothings.store>, <burglingtonfashion.store>, <burglintongroup.store>, <burlingtonstores.shop>, <burlingtonfashion.com>, <burglintonclothing.store>, <burlingtondesigns.store>, <burlingtonapparelhr.store>, <burlingtondesign.store>, <burglintondesigns.store>, <burlingtoncompanydesigns.store>, <burlingtonfashions.store>, <burglintoncloths.store>, and <burlingtonjobs.store>), likely, in an attempt to obtain personal and financial information. Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

As for the disputed domain names <burlingtonbrand.store>, <burglintondesigns.store>, and <burlingtoncompanydesign.store>, the Complainant submitted evidence that they were at one point linked to pages displaying PPC links to terms such as “Clothing Shopping”, “Jewelry designers”, and “Interior Decor” which are related to the goods of the Complainant, and as the links compete with or capitalize on the reputation and goodwill of the Complainant’s mark and otherwise mislead Internet users, such use does not represent a bona fide offering.

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

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.

First of all, the Panel notes that the registration of the disputed domain names which are confusingly similar to the Complainant’s widely-known trademark BURLINGTON, by the Respondent, who is not affiliated with the Complainant, creates a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Next, considering the fame of the Complainant’s mark, the Panel finds that the Respondent no doubt knew of the Complainant and the Complainant’s mark when registering the disputed domain names. The fact that the additional terms that comprise the disputed domain names are closely related to the Complainant’s business further shows that the Respondent had knowledge of the Complainant and the Complainant’s mark at the time of registration. Not only that, the Respondent used 14 of the disputed domain names to send fraudulent emails to prospective job applicants posing as the Complainant, which highly suggests that the Respondent targeted the Complainant in registering the disputed domain names, especially as the disputed domain names also contain terms that are closely associated with the Complainant’s business, thereby increasing the likelihood of deceiving the recipients of such emails into believing that the emails were from the Complainant.

As for the Respondent’s use of 14 of the disputed domain names to send fraudulent emails impersonating the Complainant to job seekers, there cannot have been legitimate reason for such impersonation other than for an unlawful purpose. Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain names to send emails to prospective job applicants impersonating the Complainant constitutes bad faith under the Policy.

And as for the three remaining disputed domain names, the Respondent linked them to a parking page displaying PPC links to fashion and interior goods that are related to the Complainant’s business, which means that the Respondent created a likelihood of confusion and likely benefited commercially from the confusion of Internet users that visited the site by mistake as per paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element 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 names <burglingtonfashion.store>, <burglintongroup.store>, <burglintonclothing.store>, <burglintoncloths.store>, <burglintondesigns.store>, <burglintonapparelhr.store>, <burglintonfashion.store>, <burlingtonbrand.store>, <burlingtonclothings.store>, <burlingtoncompanydesigns.store>, <burlingtoncompanydesign.store>, <burlingtondesigns.store>, <burlingtondesign.store>, <burlingtonfashions.store>, <burlingtongroups.store>, <burlingtonjobs.store>, and <burlingtonstores.shop> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: March 28, 2025