

ADMINISTRATIVE PANEL DECISION

Boot Barn, Inc. v. Lin Lin
Case No. D2025-1743

1. The Parties

The Complainant is Boot Barn, Inc., United States of America ("United States"), represented by Sisun Law, United States of America.

The Respondent is Lin Lin, China.

2. The Domain Name and Registrar

The disputed domain name <bootbarnsales.shop> (the "Domain Name") is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 30, 2025. On May 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 31, 2025.

The Center appointed Gregor Vos as the sole panelist in this matter on June 10, 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 was incorporated as a corporation in the State of Delaware (United States) in 2007. It operates in the retail sector, specializing in western wear and workwear, such as cowboy boots, work boots, western-inspired fashion and outdoor gear. Starting out as a single store in 1978, the Complainant has since grown into the largest western and workwear retailer in the United States, operating hundreds of stores throughout the United States.

The Complainant is the owner of the following trademark registration (hereinafter referred to as: the "Trademark"):

- United States trademark registration with registration Number 2,307,397, registered on January 11, 2000.

The Complainant operates a website at <bootbarn.com> since 1996. This website attracted on average over 3,000,000 visitors per month in traffic from May 2024 to March 2025.

The Domain Name was registered on February 12, 2025. At the time of the filing of the Complaint, the Domain Name resolved to a website on which various items of women's clothing were offered for sale. Currently, the Domain Name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant seeks that the Domain Name is transferred to the Complainant. The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, the Complainant contends that the Domain Name is confusingly similar to the Trademark, that the Respondent has no rights or legitimate interests in the Domain Name, and that the Domain Name has been registered and is being used in bad faith.

Firstly, according to the Complainant, the Domain Name is confusingly similar to the Trademark. It incorporates the Trademark in its entirety, merely adding the descriptive term "sales" after the Trademark. The addition of a descriptive term does not reduce the likelihood of confusion. Furthermore, the inclusion of the generic Top-Level-Domain ("gTLD") ".shop" does not sufficiently distinguish the Domain Name from the Trademark.

Secondly, the Complainant asserts that the Respondent has no rights or legitimate interests in the Domain Name. As the Complainant's Trademark predates the registration of the Domain Name by 29 years, the Complainant has established a prima facie case that the Respondent lacks any rights or legitimate interest in the Domain Name. The Respondent cannot demonstrate the use of the Domain Name in connection with a bona fide offering of goods or services. Furthermore, the Respondent is not commonly known by the Domain Name and cannot present a fair use or noncommercial use of the Domain Name. Consequently, the Respondent fails to satisfy any of the factors delineated in Paragraph 4(a)(ii) of the Policy. Therefore, according to the Complainant, it must be found that the Respondent has no rights or legitimate interests in the Domain Name.

Finally, according to the Complainant, the Respondent has registered and is using the Domain Name in bad faith. The Respondent should have reasonably been aware that consumers are likely to believe that the Domain Name is owned by, endorsed by, or affiliated with the Complainant, which is indicative of bad faith. There is no evidence that the Respondent has ever had a bona fide intention to use the Domain Name in a manner that would avoid consumer confusion with the Trademark. All in all, the Complainant holds that an

analysis of the Respondent's conduct, in combination with the circumstances set out in the Policy 4(b), eliminates any doubt that the Domain Name was registered and is used in bad faith.

B. Respondent

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

6. Discussion and Findings

For the Complainant to succeed, it must prove, within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

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

Only if all three elements have been fulfilled, the Panel is able to grant the remedies requested by the Complainant. The Panel will deal with each of the requirements in turn.

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 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 entirety of the Trademark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "sales") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Domain Name and the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 the 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 Domain Name. 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 Domain Name such as those enumerated in the Policy or otherwise.

For completeness, the Panel notes that based on the record before it and in the absence of any such defense raised by the Respondent, the Respondent is using the Domain Name incorporating the Complainant's Trademark to direct users to a competing site, which does not support a claim to rights or legitimate interests. [WIPO Overview 3.0](#), section 2.5.3.

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.

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 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Trademark predates the registration of the Domain Name. Given that the Trademark has been used since 1996 and the fact that the Respondent merely added "sales" to the Domain Name, which is not particularly distinctive, and that the Domain Name further incorporates the Trademark identically, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the Domain Name without knowledge of the Complainant's activities and its Trademark. [WIPO Overview 3.0](#), Section 3.1.

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

In addition, Panels have found that the non-use of a domain name (including a page that does not resolve to an active webpage) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the composition of the Domain Name, and finds that in the circumstances of this case the current passive holding of the Domain Name does not prevent a finding of bad faith under 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 Domain Name <bootbarnsales.shop> be transferred to the Complainant.

/Gregor Vos/

Gregor Vos

Sole Panelist

Date: June 24, 2025