

## **ADMINISTRATIVE PANEL DECISION**

CW Brands LLC v. sen xiao  
Case No. D2025-2591

### **1. The Parties**

The Complainant is CW Brands LLC, United States of America ("United States"), represented by Kaufman & Kahn, LLP, United States.

The Respondent is sen xiao, China.

### **2. The Domain Name and Registrar**

The disputed domain names <coldwater-creeks.com> and <coldwatercreek-shop.com> are registered with Dynadot Inc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 2, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 4, 2025, 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 (Undisclosed Registrant of Coldwater-creeks.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 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 July 7, 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 Respondent of the Complaint, and the proceedings commenced on July 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 31, 2025.

On July 16, 2025, the Complainant sent a second amended Complaint to the Center and requested the addition of the disputed domain name <coldwatercreek-shop.com> to the present UDRP proceeding.

The Center appointed Marina Perraki as the sole panelist in this matter on August 5, 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.

On August 13, 2025, the Complainant submitted a supplemental filing.

On August 16, 2025, the Panel requested the Registrar to verify the details for the requested additional disputed domain name <coldwatercreek-shop.com>. On August 19, 2025, the Registrar confirmed that the Respondent is the registrant of the additional disputed domain name. On August 21, 2025, the Panel issued an Administrative Panel Procedural Order No. 1 ("Panel Order"), in which the Panel invited the Respondent to confirm if it intends to comment on the Complainant's second amended Complaint, in particular the consolidation request, by August 26, 2025. The Respondent did not submit any comment.

#### **4. Procedural Issues:**

##### **A. Addition of Domain Name**

The Complaint was originally submitted regarding the disputed domain name <coldwater-creeks.com> (the "Domain Name"). The Complainant requested to add the domain name <coldwatercreek-shop.com> to the proceeding (the "Additional Domain Name"). The Domain Name and the Additional Domain Name shall be henceforth referred to as the "Domain Names". The Panel had instructed the Center to obtain a Registrar's verification for the Additional Domain Name from the concerned Registrar and the Panel has confirmation that the Respondent is the registrant of the Additional Domain Name. On August 21, 2025, the Panel issued a Panel Order inviting the Respondent to submit any observations as regards the Additional Domain Name, to which the Respondent did not reply.

The Panel considers it reasonable to accept the addition of the Additional Domain Name to the Complaint for the following reasons, taking also into account the following features of the two Domain Names and the arguments communicated by the Complainant's second amended Complaint of July 16, 2025, and supplemental filing sent by email to the Center on August 13, 2025:

- both Domain Names involve the Complainant's trademarks;
- both Domain Names have been registered by the same domain name holder, the Respondent;
- both Domain Names use the same pattern of construction, namely the trademark of the Complainant and a hyphen;
- the Additional Domain Name differs from the Domain Name only by the inclusion of the word "shop" and the elimination of the final "s" after the word "creek";
- the Additional Domain Name was created on July 4, 2025, namely two days after the Complaint was filed;
- the Additional Domain Name was filed with the same Registrar as the Domain Name, and
- the Additional Domain Name leads to an identical website, as the website to which the Domain Name redirects.

The Panel finds that the addition of the Additional Domain Name to the present proceeding is fair and equitable to the Parties and favours procedural efficiency (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.12.2, *HUGO BOSS Trade Mark Management GmbH & Co. KG and HUGO BOSS AG v. Ludwig Rhys*, WIPO Case No. [D2016-2448](#)).

##### **B. Supplemental Filing**

The Complainant filed on August 12, 2025, a Supplemental Filing, elaborating on its second amended Complaint submitted on July 16, 2025, to add the Additional Domain Name to the Complaint.

Neither the Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the UDRP panel (see Rules, paragraph 12). Paragraph 10 of the Rules enjoins the UDRP panel to conduct the proceeding “with due expedition”. Therefore, UDRP panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated ([WIPO Overview 3.0](#), section 4.6).

The Panel notes that the Complainant’s supplemental filing elaborates on the reasons for the addition of the Additional Domain Name to the Complaint, a request first submitted to the Center by email on July 16, 2025. In this case, after consideration of the Complainant’s supplemental submission the Panel has decided to accept it for the sake of completeness, also noting that it does not address topics that the Complainant could have addressed in its Complaint given that the Additional Domain Name was created subsequent to the filing of the Complaint (*Delikomat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#); *AutoNation Holding Corp. v. Rabea Alawneh*, WIPO Case No. [D2002-0058](#); and *Avaya Inc. v. Ali Parsa / Ali Parsa, AVAYeRASA / Ali Parsa Koosha*, WIPO Case No. [D2018-1472](#)).

## **5. Factual Background**

The Complainant is active in the field of clothing and accessories. The Complainant owns trademark registrations for COLDWATER CREEK, including the United States trademark registration No. 1531418, COLDWATER CREEK (word), filed on July 14, 1988 and registered on March 21, 1989 for services in international class 42, and the United States trademark registration No. 1876534, COLDWATER CREEK (word), filed on November 18, 1993 and registered on January 31, 1995 for goods in international classes 14, 16 and 25. The Complainant operates its website at “www.coldwatercreek.com”.

The Domain Name was registered on June 10, 2025, and at the time of filing of the Complaint led to a website purporting to sell the same type of goods as the Complainant, namely “Clothing Accessories”, “Boots” and “Dresses” as well as a variety of products under “New Arrivals”. Currently the Domain Name redirects to “www.tommyshopsale.com” under which operates an identical website as previously.

The Additional Domain Name was registered on July 4, 2025, and leads to an identical website, as the website to which the Domain Name redirects.

## **6. Parties’ Contentions**

### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Names.

### **B. Respondent**

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

## **7. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which the Complainant must satisfy with respect to the Domain Names:

- (i) the Domain Names are 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 Domain Names; and
- (iii) the Domain Names have been registered and are 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 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 mark is reproduced within the Domain Names. Accordingly, the Domain Names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, the addition of the final "s" in the word "creek" in the Domain Name, the addition of a hyphen in the Domain Names and the addition of the word "shop" in the Additional Domain Name may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ("gTLD") ".com" is disregarded, as TLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#)). [WIPO Overview 3.0](#), section 1.11.1.

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

On the contrary, as the Complainant demonstrated, the Domain Name resolved to a website purporting to sell the same type of goods as the Complainant and the Additional Domain Name leads to the same website. The Panel considers that use of the Domain Names in connection with a website offering competing goods does not confer any rights or legitimate interests on the Respondent. [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.

In the present case, the Panel notes that the Respondent has registered and used the Domain Names in bad faith. Because the Complainant's mark was used and registered before the time of the Domain Names' registration, the Panel finds it more likely than not that the Respondent had the Complainant's mark in mind when registering the Domain Names (*Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#); *Société des Produits Nestlé SA v. Telmex Management Service*, WIPO Case No. [D2002-0070](#)).

Furthermore, the Complainant demonstrated that the Domain Name resolved to a website purporting to sell the same type of goods as the Complainant and the Additional Domain Name leads to the same website, which constitutes bad faith registration and use of the Domain Names under paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

### **8. 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 <coldwater-creeks.com> and <coldwatercreek-shop.com> be transferred to the Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: September 4, 2025