

ADMINISTRATIVE PANEL DECISION

DAVIDsTEA Inc. v. Herbert Hedstrom, Herbert
Case No. D2025-2755

1. The Parties

The Complainant is DAVIDsTEA Inc., Canada, represented by Riebling IP, PLLC, United States of America.

The Respondent is Herbert Hedstrom, Herbert, United States of America.

2. The Domain Name and Registrar

The disputed domain name <teabydavid.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 11, 2025. On July 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 16, 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 16, 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 11, 2025.

The Center appointed Iris Quadrio as the sole panelist in this matter on August 19, 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 a leading specialty tea company and one of the most iconic retail and online tea businesses in North America. Founded in 2008 by Herschel Segal and David Segal, the Complainant is headquartered in Montréal, Canada.

The Complainant has been widely featured in leading newspapers and magazines around the world, including Globe & Mail, Vogue, Good Housekeeping, Elle, and Women's Health, among others. Through its reputation for quality and innovation, the Complainant has built strong goodwill among consumers, employing strict health and safety protocols to ensure the highest standards in its products and services.

Today, the Complainant continues to offer a wide range of high-quality proprietary loose-leaf teas, pre-packaged teas, tea sachets, tea accessories, and gifts. Its products are distributed through its e-commerce platform at "www.davidstea.com", the Amazon Marketplace, wholesale channels including more than 4,000 grocery stores and pharmacies, over 1,500 convenience stores in Canada, and over 900 grocery stores in the United States of America, as well as through 20 company-owned stores across Canada.

The Complainant is the owner of the trademark DAVIDSTEA in many jurisdictions, including United States Patent and Trademark Office (USPTO) Reg. No. 4129095 for classes 16, 21, 30, 32, 35, and 43, registered since April 17, 2012, and Reg. No. 4461051 for classes 16, 21, and 30, registered since January 7, 2014; Canadian Trademark Office Reg. No. TMA761042 for classes 21, 30, 32, 35 and 43, registered since March 8, 2010; and European Intellectual Property Office (EUIPO) Reg. No. 008598476 for classes 16, 21, 30, and 35, registered since April 5, 2010;

Likewise, the Complainant claims to have online Internet presence through its main domain name <davidstea.com>, registered since April 15, 2008.

Lastly, the disputed domain name resolved to a webpage prominently displaying the Complainant's trademark and logo, using the Complainant's photographs and images, and purportedly offering tea-related products for sale (as evidenced by the Complainant in Annex 8 to the Complaint). It currently resolves to an inactive website.

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.

The Complainant states that the disputed domain name <teabydavid.com> is confusingly similar to its trademark DAVIDSTEA on which the Complainant has prior rights.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name <teabydavid.com> and he is not related in any way with the Complainant. The Complainant is not related to the Respondent in any way and has not established any activity and/or business with the Respondent.

More specifically, the Complainant alleged that the Respondent has not used and/or has no demonstrable intention to use the disputed domain name except to create a likelihood of confusion with the Complainant's trademark. In fact, the Complainant claims that the registration and use of the disputed domain name is only intended to generate confusion among consumers as to the origin of the website.

Finally, the Complainant has requested the Panel to issue a decision ordering the transfer of the disputed domain name to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interest 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

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 name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The practice of inverting the terms "tea" and "david" and replacing the letter "s" with the word "by" does not prevent the Panel from finding that the disputed domain name is confusingly similar to the Complainant's trademark, in line with section 1.9 of the [WIPO Overview 3.0](#).

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.

The Complainant has claimed not to have authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the DAVIDSTEA trademark nor is there any other evidence in the file suggesting that the Respondent has or could have rights or legitimate interests in the disputed domain name.

Likewise, it does not seem that the Respondent is making any legitimate noncommercial or fair use of the disputed domain name. In this regard, the Complainant has proven in Annex 8 to the Complaint that, at the time of its detection, the disputed domain name was pointing to a website that appears to mimic the Complainant's website, depicted the Complainant's DAVIDsTEA trademark and offered tea-related goods. These actions clearly aim at exploiting the Complainant's reputation by misleading Internet users into believing that the website is an official platform of the Complainant. Hence, as established in section 2.5 of [WIPO Overview 3.0](#): "Fundamentally, a respondent's use of a domain name will not be considered 'fair' if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant's mark is often central to this inquiry."

Panels have held that the use of a domain name for illegal activity, as applicable to this case: impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Currently, the Respondent is passively holding the disputed domain name by directing users to an inactive website and, therefore, this Panel considers that the Respondent is not making any legitimate noncommercial or fair use of disputed domain name.

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 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 disputed domain name such as those enumerated in the Policy or otherwise.

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 such connection, the Complainant has submitted evidence to support that the trademark DAVIDSTEAM was registered and used many years before the Respondent registered the disputed domain name. When registering the disputed domain name, the Respondent has targeted the Complainant's trademark DAVIDSTEAM to create confusion among the Internet users and benefit from Complainant's reputation. Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant's trademark DAVIDSTEAM when it registered the disputed domain name.

Likewise, based on the evidence provided by the Complainant in Annex 8 to the Complaint, the disputed domain name resolved to a website mimicking the Complainant's official website, displaying the Complainant's trademark DAVIDSTEAM and offering tea-related goods. Clearly, the Respondent should have known the existence of the Complainant when registering the disputed domain name, and such use constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Moreover, the use of the Complainant's registered trademark DAVIDSTEAM in combination with a nearly slavish copy of the Complainant's legitimate "www.davidstea.com" website demonstrates an intent to impersonate the Complainant and to collect personal and financial information from unsuspecting Internet users through false offers of heavily discounted products. Such conduct not only deceives consumers, who may have their credit cards charged without receiving any goods, but also creates a false impression of affiliation with the Complainant, thereby causing significant harm to consumers and irreparably tarnishing the Complainant's reputation.

Currently, the disputed domain name resolves to an inactive website. The Panel finds that the non-use of disputed domain name would not prevent a finding of bad faith under the doctrine of passive holding in the circumstances of this case. [WIPO Overview 3.0](#), section 3.3.

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 name <teabydavid.com> be transferred to the Complainant.

/Iris Quadrio/

Iris Quadrio

Sole Panelist

Date: September 2, 2025