

ADMINISTRATIVE PANEL DECISION

Build-A-Bear Workshop, Inc. v. Daniel Keelagher
Case No. D2025-2769

1. The Parties

1.1 The Complainant is Build-A-Bear Workshop, Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

1.2 The Respondent is Daniel Keelagher, Australia.

2. The Domain Name and Registrar

2.1 The disputed domain name <buildabearsol.xyz> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 15, 2025. At that time, publicly available Whois details did not identify the underlying registrant of the Domain Name.

3.2 On July 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 15, 2025, the Registrar transmitted by email to the Center its verification response disclosing underlying registrant and contact information for the Domain Name. The Center sent an email 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 18, 2025.

3.3 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”).

3.4 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.

3.5 The Respondent sent an email to the Center on July 21, 2025 the content of which was as follows:

“im [sic] trying to delete the domain its [sic] not letting me. godaddy's delete function is broken.”

3.6 A copy of that email was forwarded by the Center to the Complainant's representatives, and the Center also directed the parties to the settlement provisions in the Rules and the Center's standard settlement form.

3.7 In an email dated July 24, 2025, the Complainant's representatives confirmed that they wanted the proceedings to continue.

3.8 The Respondent sent a further email to the Center on July 25, 2025, which stated as follows:

“Hello, I confirm that the domain can be transferred no problem at all. Thanks, Dan.”

3.9 The Respondent's email to the Center of July 25, 2025 was forwarded to the Complainant's representatives on July 28, 2025.

3.10 The Center appointed Matthew S. Harris as the sole panelist in this matter on August 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

4.1 The Complainant is part of a group of companies that operates stores in the United States, Canada, the United Kingdom and Ireland, which allow children and adults to create personalised stuffed animals. It also has franchise locations in Europe, Asia, Australia, Africa and the Middle East. In 2023 its revenue was USD 486.1 million.

4.2 The Complainant and other companies within the Complainant's group are the owners of registered trade marks in a number of jurisdictions that incorporate or comprise the term “BUILD-A BEAR”. These include:

(i) United States trade mark No. 3741249 for BUILD-A-BEAR as a standard character mark filed on June 8, 2006 with a registration date of January 19, 2010 in class 35;

(ii) European Union trade mark No. 014760748 for BUILD-A-BEAR as a word mark with a filing date of November 3, 2015 and a registration date of March 2, 2016 in classes 28 and 25; and

(iii) Australian trade mark No. 1673192 for BUILD-A-BEAR as a word mark filed on February 6, 2015 and entered on the register on September 2, 2015 in classes 28 and 25.

4.3 The Domain Name was registered on June 2, 2025, and resolved to a website displaying the Complainant's trade mark and logo, partially referring to the Complainant's activities, but also other unrelated activities such as cryptocurrencies.

5. Parties' Contentions

5.1 Given the matters set out in the Procedural History and Factual Background sections of this decision and the Panel's reasoning below, it is not necessary to set out the parties' contentions in this matter.

6. Discussion and Findings

6.1 As the Panel has already recorded in the Procedural History section of this decision, the Respondent sent an email to the Center on July 25, 2025, in which it clearly agreed that the Domain Name be transferred to the Complainant.

6.2 Section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), records as follows:

"How do panels handle cases involving a respondent's informal or unilateral consent for the transfer of the domain name to the complainant outside the "standard settlement process" ...?"

Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the "standard settlement process" described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision, (iv) where there is ambiguity as to the scope of the respondent's consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights.

6.3 Previously it has been the general practice of this Panel where it was satisfied that a respondent had consented to the transfer of a domain name and where it considered there was otherwise no good reason not to simply order the transfer of the domain name, to issue a procedural order providing for the parties to indicate whether they objected to the Panel issuing a simplified decision ordering that transfer (see *Staatliche Porzellan-Manufaktur Meissen GmbH v. Richard Gillmeister*, WIPO Case No. [D2013-1743](#), *Florim Ceramiche S.p.A. v. Light Link Solutions*, WIPO Case No. [D2015-0667](#) and *Statoil ASA v. gaelle etienne / WhoisGuard Protected*, WIPO Case No. [D2015-1812](#)).

6.4 However, given the clear and longstanding guidance now provided by Section 4.10 of the [WIPO Overview 3.0](#), the Panel no longer considers a Procedural Order to be necessary if a complainant has been made aware of the respondent's consent and has not actively objected to a simplified decision ordering that transfer. In the present case the Panel is satisfied that the Complainant has been made so aware, has raised no such objection and there is no other reason why it would be appropriate instead to proceed to a substantive decision on the merits.

7. Decision

7.1 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 <buildabearsol.xyz> be transferred to the Complainant.

/Matthew S. Harris/

Matthew S. Harris

Sole Panelist

Date: August 19, 2025