

## **ADMINISTRATIVE PANEL DECISION**

Briggs & Riley Travelware, LLC v. Herbert Hedstrom, Herbert  
Case No. D2025-2872

### **1. The Parties**

The Complainant is Briggs & Riley Travelware, LLC, United States of America (“United States” or “USA”), represented by Ruskin Moscou Faltischek, P.C., United States.

The Respondent is Herbert Hedstrom, Herbert, United States.

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

The disputed domain name <briggsrileystore.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 19, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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 23, 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 28, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 20, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on August 28, 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 manufacturer of luggage that was founded in 1993 and is based in Hauppauge, New York State, USA. The Complainant offers information about its goods and services on its official <briggs-riley.com> website. The Complainant owns valid and subsisting registrations for the BRIGGS & RILEY trademark in the United States, including US Reg. No. 3,382,899, registered on February 12, 2008, with the earliest use in commerce dating back to April 1, 1993.

The Respondent registered the disputed domain name on May 9, 2025. At the time of this Complaint, the disputed domain name resolved to an online shop titled “Briggs & Riley”, which features the Complainant’s stylized trademark, as well as images ostensibly of the Complainant’s luggage products, and a banner advertisement for “Up to 80% Off & Free Shipping.”

#### **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.

Notably, the Complainant asserts ownership of the BRIGGS & RILEY trademark and has adduced evidence of trademark registration in the United States, dated back to February 12, 2008, with the earliest use in commerce dating back to April 1, 1993. The disputed domain name is identical or confusingly similar to the Complainant’s BRIGGS & RILEY trademark, according to the Complainant.

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any relationship with the Complainant; and the lack of any license, permission, or authorization from the Complainant.

The Complainant argues that the Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: prior registration of the Complainant’s BRIGGS & RILEY trademark; the Respondent’s intentional targeting of the Complainant to mimic the Complainant’s official <briggs-riley.com> domain name and website; third-party complaints received by the Complainant, which serve as evidence of the Respondent’s use of the disputed domain name in connection with illegal activity, namely fraudulent sales and phishing for personal and financial information; and the Respondent’s use of false or fictitious registration data (specifically, “the Respondent’s address ... does not exist ... anywhere in the world ... Respondent’s email address is from a fake email generator (dayrep.com), and Respondent’s phone number ... is disconnected and only provides a busy tone when attempting to dial it.”

##### **B. Respondent**

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

## 6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. the disputed domain name has been registered and is being used in bad faith.

Although the Respondent did not reply to the Complainant's contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3 ("A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true ... [UDRP] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

### 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.

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.0](#), section 1.2.1. The Complainant submitted evidence that the BRIGGS & RILEY trademark has been registered in the United States. Thus, the Panel finds that the Complainant's rights in the BRIGGS & RILEY trademark have been established pursuant to the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's BRIGGS & RILEY trademark. In this case, the disputed domain name is confusingly similar to the Complainant's trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the mark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name ... [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar [...]"). It is well established that neither the addition or removal of an ampersand prevents a finding of the confusing similarity. See *Chernow Comm'ns, Inc. v. Kimball*, WIPO Case No. [D2000-0119](#). And gTLDs, such as ".com" in the disputed domain name, are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.1. Moreover, the finding of the confusing similarity is not prevented by combination with the term "store". [WIPO Overview 3.0](#), section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of confusing similarity where the relevant trademark is recognizable within the disputed domain name).

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 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. Where, as in this case, the Respondent fails to come forward with any relevant evidence, the Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.0](#), section 2.1.

It is evident that the Respondent, identified by registration data for the disputed domain name as “Herbert Hedstrom, Herbert”, is not commonly known by the disputed domain name or the Complainant’s BRIGGS & RILEY trademark.

UDRP panels have categorically held that use of a domain name for illegal activity—including the impersonation of the complainant and other types of fraud—can never confer rights or legitimate interests on a respondent. Circumstantial evidence can support a credible claim made by the Complainant asserting the Respondent is engaged in such illegal activity, including that the Respondent has masked its identity to avoid being contactable. [WIPO Overview 3.0](#), section 2.13; see *GEA Group Aktiengesellschaft v. J. D.*, WIPO Case No. [D2014-0357](#). Here, the Complainant has provided uncontroverted direct and circumstantial evidence that the Respondent has registered and used the disputed domain name for illegal activity, namely, to resolve to an online shop that impersonates the Complainant in furtherance of a scheme to defraud potential purchasers or phish for their personal and financial information. Specifically, the Complainant submitted a comparison of its official online store versus the Respondent’s substantially similar website, depicting the Respondent’s unauthorized use of the Complainant’s stylized trademark, images of the Complainant’s products, large discounts on putative authentic products from the Complainant, and statements that appear to impersonate the Complainant such as, “At Briggs & Riley, we are committed to offering high end luggage and sophistication.” The Complainant also referenced, but did not provide, third-party complaints it received “that individuals purchased items through the fraudulent website maintained at the Respondent’s domain name, which has damaged the reputation of the Complainant.” Moreover, the Complainant also provided credible evidence that the registration data used by the Respondent is false or fictitious.

Accordingly, the Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that the Respondent has registered or the Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark to a competitor of that Complainant,

for valuable consideration in excess of the Respondent's documented out of pocket costs directly related to the disputed domain name; or

- ii. the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- iii. the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

UDRP panels have categorically held that registration and use of a domain name for illegal activity—including impersonation, passing off, and other types of fraud—is manifestly considered evidence of bad faith within paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.0](#), section 3.1.4. Use of the disputed domain name by Respondent to pretend that it is Complainant or that it is associated with Complainant “brings the case within the provisions of paragraph 4(b)(iii) of the Policy, for it shows Respondent registered the domain name primarily for the purpose of disrupting the business of a competitor, namely Complainant.” *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrenge*, WIPO Case No. [D2009-1017](#); see also *GEA Group Aktiengesellschaft v. J. D.*, WIPO Case No. [D2014-0357](#) (concluding that Respondent's use of the disputed domain name to disrupt the Complainant's business by using it to impersonate the Complainant for commercial gain was evidence of respondent's bad faith registration and use of the disputed domain name). Circumstantial evidence can support a complainant's otherwise credible claim of illegal respondent activity, including evidence that: (i) goods are offered disproportionately below market value; (ii) goods are ordinarily only sold with Complainant's authorization; (iii) images of the goods used by a respondent suggest they are not genuine; (iv) the respondent has misappropriated copyrighted images from the complainant; (v) the goods at issue are extremely rare; (vii) the goods at issue have prompted consumer complaints; (viii) the respondent has masked its identity to avoid being contactable; and (ix) so-called “trap purchases” demonstrate illegal respondent activity. [WIPO Overview 3.0](#), section 2.13.2. As detailed with specificity above with respect to the second element of the Policy, the Complainant has offered uncontroverted evidence to support its credible claim that the Respondent has registered and used the disputed domain name for illegal activity.

Accordingly, the Panel finds the third element of the Policy has also been established.

## 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 <briggsrileystore.com> be transferred to the Complainant.

/Phillip V. Marano/

**Phillip V. Marano**

Sole Panelist

Date: September 17, 2025