ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Edgardo Santiago v. M Begnor
Case No. D2025-2900

## 1. The Parties

The Complainant is Edgardo Santiago, United States of America ("United States"), self-represented.

The Respondent is M Begnor, Netherlands (Kingdom of the), self-represented.

## 2. The Domain Name and Registrar

The disputed domain name <trichomerecords.com> is registered with Key-Systems GmbH (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 21, 2025. On July 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 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 ("Trichome Records") and contact information in the Complaint. The Center sent an email communication to the Complainant on July 24, 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 amendment to the Complaint on the same day. Further to the Center's invitation to rectify certain information in the Complaint, the Complainant filed an amended Complaint on July 25, 2025. The Complainant submitted a supplemental filing on July 27, 2025. The Respondent sent email communications to the Center on July 24 and July 27, 2025.

The Center verified that the Complaint together with the amendment to the Complaint and 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. On August 19, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Adam Taylor as the sole panelist in this matter on August 25, 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 the founder and sole owner of Trichome, Inc., incorporated in the United States in 2009. References to "the Complainant" below include this company unless otherwise stated.

Since at least 2003, the Complainant has engaged in electronic music production and distribution under the unregistered mark TRICHOME.

The Complainant operates websites at "www.trichome.com" and "www.trichome.tv". The website at "www.trichome.com", which was launched in 2003, describes itself as "[h]ome to all styles of electronic music".

The disputed domain name was registered on October 5, 2023.

The disputed domain name has been used to resolve to a website branded with a "TRICHOME RECORDS" logo. The "About" page described "Trichome Records" as an electronic dance music label founded by a DJ and music producer residing in the Netherlands.

## 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 contends that:

- the Complainant has established common law rights in the mark TRICHOME through extensive and continuous commercial use in branding, logo design, music releases and commercial promotions since 2002;
- the mark is widely recognised in the electronic music community;
- the addition of the descriptive term "records" strengthens the impression that the disputed domain name is affiliated with the Complainant;
- the Respondent lack rights or legitimate interests in the disputed domain name including a lack of evidence of bona fide use or that the Respondent has been commonly known by the name "Trichome Records";
- although the Respondent appears to have recently filed an application for a trade mark for TRICHOME RECORDS, this long postdates the Complainant's common law rights;
- the Respondent registered and is using the disputed domain name in bad faith;
- given that both Parties are involved in the same niche industry, electronic music, and that the Complainant's mark has been in use since 2002, it is inconceivable that the Respondent was unaware of the Complainant's prior rights; and
- the Respondent's website offers the same kinds of services and products as the Complainant, namely electronic music sales and promotion, using similar branding and a visually similar logo, which strongly implies an intent to confuse or mislead consumers.

**B. Respondent**

In an email dated July 27, 2025, the Respondent responded informally to the Complainant's contentions. The Respondent contends that the Complainant has not satisfied any of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that:

- the disputed domain name is not confusingly similar to the Complainant's mark or domain name;
- the term "records" is a common and generic word in the music industry, widely used by countless independent entities, and its addition as a suffix fundamentally changes the meaning and commercial impression of the disputed domain name from the single-word "trichome" to a compound phrase that clearly references a music label or entity;
- there are many other brands based on the word "trichome", referring to the websites such as "www.trichomelounge.com" and "www.trichomemedicalnz.com";
- the Complainant's website promotes "all styles of electronic music'", whereas the Respondent promotes electronic dance music, specifically "Psychedelic Trance Music", "Techno" and "Hardcore";
- the Respondent is listed on Beatport, the largest electronic dance music platform, whereas the Complainant is not;
- the term "trichome" is a common dictionary term referring to "a botanical structure (plant hair or outgrowth)" and is not unique to the Complainant;
- there are numerous legitimate uses of the word in various contexts, including science, horticulture, and music, and the Complainant does not have exclusive rights to this term in all fields or in all combinations;
- to the Respondent's knowledge there has been no actual confusion between the Parties' respective websites and no confusion is likely to arise;
- the Respondent's website, which is clearly branded as "Trichome Records", does not reference or attempt to imitate the Complainant's branding, content, or business;
- there is no evidence that the Complainant has ever used, or been known by, the term "Trichome Records", and the Complainant does not claim any trade mark rights therein;
- the addition of "records" establishes a new and distinct identifier in the music industry, in which many entities use the same or similar root word with the "records" suffix without causing confusion, e.g., "Sun Records", "Island Records", "Stone Records", and the mere fact that both parties operate in the electronic music industry does not mean that the Respondent's use of "Trichome Records" is likely to cause confusion with the Complainant's TRICHOME mark;
- the Parties' logos are dissimilar, including different fonts and differently-designed letters "o", and many "trichome" brands use the letter "o" in their logos as visualisation of a plant trichome; and
- the disputed domain name is a legitimate, independent creation of the Respondent.

## 6. Discussion and Findings

### 6.1. Preliminary Issue: Supplemental Filing

As mentioned in section 3 above, the Complainant has made an unsolicited supplemental filing.

Paragraph 10(d) of the Rules gives the panel authority to determine the admissibility, relevance, materiality and weight of the evidence. Paragraph 10(a) requires the Panel to conduct the proceedings with due expedition.

UDRP panels have repeatedly affirmed that the party submitting an unsolicited supplemental filing should clearly show its relevance to the case and why it was unable to provide the information contained therein in its complaint or response, e.g., owing to some "exceptional" circumstance. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.6.

In this case, the Panel has decided to reject the filing on the grounds that the material therein is repetitive, or standard rebuttal, or could have been included in the Complainant's primary submission, or the Panel does not consider it necessary to its decision.

The Panel would add that even if the Supplemental Filing had been admitted, it would have made no difference to the outcome of this case.

**6.2. Substantive Issues**

**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 trade mark and the disputed domain name. WIPO Overview 3.0, section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The Panel finds the Complainant has established unregistered trade mark or service mark rights for the purposes of the Policy. WIPO Overview 3.0, section 1.3. In particular, the Complainant has provided evidence of use of its mark TRICHOME on its website for over twenty years.

The entirety of the mark is reproduced 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.

Although the addition of other terms (here, "records") 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 disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

The Respondent contends that addition of the term "records" is sufficient to differentiate the disputed domain name from the Complainant's mark. However, as mentioned above, under the first element it is sufficient that the disputed domain name includes the entirety of the Complainant's trade mark. The Panel will consider the significance or otherwise of the addition of the term "records" under the second and/or third elements below.

It is likewise irrelevant that, as the Respondent asserts, the Complainant has not claimed rights in the term "Trichome Records". As discussed above, the Complainant is not required to establish rights in a mark identical to the disputed domain name; confusing similarity suffices.

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 recognised 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6.2C below, the Panel considers, on the balance of probabilities, that the Respondent has used the disputed domain name to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant's goods and/or services. Such use of the disputed domain name is not bona fide.

As to paragraph 4(c)(ii) of the Policy, while the Respondent appears to be trading under the name "Trichome Records", all the circumstances indicate that the Respondent adopted this name specifically to take unfair advantage of the Complainant's rights. See further under section 6.2C below. Accordingly, the Panel considers that paragraph 4(c)(ii) of the Policy does not apply.

Nor is there any evidence that paragraph 4(c) (iii) of the Policy is relevant in the circumstances of this case.

The Complainant states that the Respondent "appears" to have applied for a registered trade mark for "TRICHOME RECORDS", but the Complainant provides no details and the Respondent does not mention any such application; nor has the Panel been able to independently verify the existence of any such application. Accordingly, the Panel makes no finding as regards any registered trade mark rights on the part of the Respondent.

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.

The Panel notes the following:

First, both Parties operate in the electronic music industry. In the Panel's view, it does not assist the Respondent that it specialises in electronic dance music, whereas the Complainant promotes all styles of electronic music and is not listed on the largest electronic dance music platform. The Parties are nonetheless plainly involved in the same, or at least a very similar, industry and the Respondent has provided no reason to think that relevant customers are unlikely to associate the Respondent's offering with that of the Complainant.

Second, while "trichome" is a dictionary word, meaning plant hair or other outgrowth, the Panel considers that it is a far from obvious term to use in connection with the music business. The Respondent asserts that many other brands use this term, but none of the examples cited by the Respondent appear to relate to music.

Third, the Respondent does not specifically deny that it was aware of the Complainant's mark when it registered the disputed domain name, some two decades after the Complainant started trading.

Fourth, far from distinguishing the disputed domain name from the Complainant's mark as the Respondent claims, the addition of the term "records" serves only to enhance the likelihood of confusion, given the association of this word with the music industry. The Respondent asserts that many entities coexist in the music industry using similar names plus the suffix "Records", and provides the following examples: "Sun Records", "Island Records", and "Stone Records". However, not only is use of these similar names by other businesses of little relevance to the Respondent's state of mind when registering the disputed domain

name but, in any event, the Panel considers that these names are relatively dissimilar to each other – certainly compared to the use by two entities of the identical and distinctive term “Trichome” which, in the Panel’s view, involves a risk of implied affiliation between the disputed domain name and the Complainant’s mark.

Fifth, the Respondent’s logo is similar to that of the Complainant in that the letter “o” contains plant imagery. The Respondent claims that many other “trichome” brands use such visualisation of a plant trichome in the letter “o” of their logos, but provides no evidence thereof. Although the Respondent’s logo is different from the Complainant’s, in the Panel’s view the inclusion of a plant-based image in the letter “o”, in combination with the use of “trichome” for the services in the same field supports the Complainant’s case that the Respondent was targeting the Complainant.

Accordingly, for the above reasons, the Panel concludes the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Finally, dealing with some additional arguments by the Respondent:

- That there is no evidence of actual confusion between the Parties’ websites. Under paragraph 4(b)(iv) of the Policy the Complainant is not required demonstrate actual confusion; likelihood of confusion is sufficient.

- That the Complainant does not have exclusive rights to the term “trichome” in all fields and in all combinations. The issue here is not whether the Complainant has exclusivity in the term “trichome” but, rather, whether the Complainant has demonstrated that, on the balance of probabilities, the Respondent registered and is using the disputed domain name to unfairly target the Complainant’s mark.

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 <trichomerecords.com> be transferred to the Complainant**.**

*/Adam Taylor/*
**Adam Taylor**
Sole Panelist
Date: September 8, 2025