

ADMINISTRATIVE PANEL DECISION

Fleischer Studios, Inc. v. maria eugenia moreno ramirez
Case No. D2025-3308

1. The Parties

The Complainant is Fleischer Studios, Inc., United States of America ("United States"), represented by Venable, LLP, United States.

The Respondent is maria eugenia moreno ramirez, Colombia.

2. The Domain Name and Registrar

The disputed domain name <bettyboop.shop> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 18, 2025. On August 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 18, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 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 August 21, 2025.

The Center verified that the Complaint together with the amendment to the 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 August 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2025. The Respondent sent email communications to the Center on August 25, 2025, and August 26, 2025.

On August 26, 2025, the Complainant requested the suspension of the proceedings to explore settlement options. The Center suspended the proceedings from August 27, 2025, until September 26, 2025. On August 28, 2025, the Respondent sent further email communications to the Center. On September 26, 2025, the Complainant sent an email to the Center stating that the Respondent had not responded to any of the Complainant's attempts to settle the matter and requesting that the proceedings be reinstituted. The Center reinstituted the proceedings on September 29, 2025, and informed the Parties that the new Response due date was October 17, 2025.

Pursuant to paragraph 6 of the Rules, on October 24, 2025, the Center informed the Parties that it would proceed with the panel appointment process.

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on October 31, 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 an animation studio based in the United States, known in particular for its iconic characters such as Betty Boop. The Complainant continues to manage and license its intellectual property rights associated with Betty Boop and other characters.

The Complainant provides a listing of marks registered in jurisdictions around the world for BETTY BOOP. Among these registrations, the Complainant owns the following trademark registrations for BETTY BOOP:

- United States trademark registration No. 2430642, registered on February 27, 2001, in classes 6, 14, 18, 21, 25, 26, and 41;
- United States trademark registration No. 2378474, registered on August 22, 2000, in class 16;

The Complainant owns and operates an official website under the domain name <bettyboop.com>.

The Complainant has furthermore a presence on Instagram and Facebook through its "@bettyboop" and "betty boop" accounts.

The disputed domain name was registered on July 16, 2025.

The disputed domain name <bettyboop.shop> used to resolve to a parking page with the mention: "opening soon" and displaying a pink-colored logo reproducing the name "bettyboop". An indication "this store will be powered by Shopify" was mentioned at the bottom of the page.

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 disputed domain name is confusingly similar to its well-known BETTY BOOP trademark as it identically reproduces the denomination "betty boop" with no addition except from the generic Top-Level Domain ("gTLD") ".shop".

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for the following reasons: (i) the Complainant has prior rights to the trademark BETTY BOOP; (ii) the

Respondent has no right or activity under the name BETTY BOOP and there appears to be no legitimate reason why the Respondent would incorporate identically the Complainant's well-known trademark in the disputed domain name; (iii) the disputed domain name resolves to a parking "opening soon" page where the BETTY BOOP trademark is displayed on top, which confirms that the Respondent has failed to use the disputed domain name for a bona fide offering of goods and services; and (iv) the Respondent is not affiliated nor authorized by the Complainant in any way; specifically no license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. Given the well-known character of the Complainant's BETTY BOOP mark, it is highly likely, according to the Complainant, that the Respondent was aware of the Complainant's trademark rights at the time of registration of the disputed domain name. The composition of the disputed domain name, which identically reproduces the Complainant's trademark, further confirms that the Respondent was aware of the Complainant and its trademark. The Complainant submits that given its goodwill and renown, and the nature of the disputed domain name, the Respondent could simply not have chosen the disputed domain name for any reason other than to deliberately cause confusion amongst Internet users in order to take unfair advantage of the Complainant's goodwill and reputation, which clearly constitutes bad faith.

B. Respondent

The Respondent replied that it did not wish to contest the Complaint and agreed to the transfer of the disputed domain name. The Respondent did not submit a formal Response.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name registered by the respondent has been 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Indeed, based on the information submitted by the Complainant, the Complainant has not granted the Respondent authorization or license to use its trademark within the disputed domain name nor has the Complainant acquiesced in any way to such use. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

Furthermore, the record contains no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with any type of bona fide offering of goods or services. Instead, the disputed domain name resolved to a coming soon page.

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 is convinced that the Respondent was aware of the Complainant’s distinctive trademark BETTY BOOP at the time it registered the disputed domain name, given the well-known character of such mark throughout the world. The Panel finds it thus unlikely that the disputed domain name was chosen independently without reference to the Complainant’s trademark. The Panel therefore accepts that the Respondent was aware of the existence of the Complainant and of its BETTY BOOP trademark at the time of the registration of the disputed domain name.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s trademark. It notes also the composition of the disputed domain name, which is identical to the Complainant’s trademark and is registered under the gTLD extension (“.shop”), i.e. an extension suggesting that Internet users will find on the website products offered under the mark BETTY BOOP. The presence of a logo including the mark BETTY BOOP with a statement in Spanish translating into “everything you love in one place” on the website likewise suggests that the Respondent intended to use the disputed domain name in connection with a commercial website taking advantage of the reputation of the Complainant’s trademark. The Panel finds accordingly that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <bettyboop.shop> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: November 14, 2025