

ADMINISTRATIVE PANEL DECISION

Retail World FZE v. kiarae eqwe, firezheholemediaw
Case No. D2025-3486

1. The Parties

The Complainant is Retail World FZE, United Arab Emirates (“UAE”), represented by Taylor Wessing LLP, United Arab Emirates.

The Respondent is kiarae eqwe, firezheholemediaw, United States of America.

2. The Domain Name and Registrar

The disputed domain name <babysshopstoress.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2025. On August 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 29, 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 (Redacted for privacy, Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 2, 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 September 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 26, 2025.

The Center appointed Gökhan Gökçe as the sole panelist in this matter on October 3, 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 Retail World FZE (formerly known as Retail World Limited), a company incorporated in the United Arab Emirates and commercially known as Landmark Group, a major retail and hospitality conglomerate operating for over 50 years across the Middle East, Africa, and the Indian Subcontinent. The Group manages over 2,200 retail outlets and employs more than 55,000 people. Its portfolio includes brands such as Babyshop, Max, Splash, Centrepont, and Home Centre. Babyshop, established in 1973, operates over 250 stores in 14 countries and is a retailer of baby and children's products in the MENA region.

The Complainant registered the domain name <babyshopstores.com> on August 18, 2003, which corresponds to its official website, and owns several trademark registrations for BABYSHOP around the world, including the following:

- the European Union Trademark Registration No. 005405915 for the mark  , registered on September 25, 2007 in classes 25, 28, 35;
- the United Kingdom Trademark Registration No. UK00905405915 for the mark  , registered on September 25, 2007, in classes 25, 28, 35;
- the Saudi Arabia Trademark Registration No. 142504168 for the mark BABYSHOP, registered on December 10, 2005, in class 35;
- the UAE Trademark Registration No.120703 for the mark BABYSHOP, registered on June 27, 2011, in class 35;

The disputed domain name was registered on August 2, 2025, and pursuant to Annex 12 of the Complaint, before the filing of the Complaint, the disputed domain name resolved to an active website with an online shop, which purportedly proposes identical goods to those, marketed by the Complainant under the BABYSHOP trademarks, namely clothing for children, babies and adults.

The Panel visited the website connected to the disputed domain name on October 5, 2025, and determined that disputed domain name does not resolve to an active 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.

Notably, the Complainant contends that:

- The disputed domain name is confusingly similar to the Complainant's trademark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations provided in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistently with the consensus views stated therein.

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.

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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name reproduces the BABYSHOP mark in its entirety, adding the descriptive term "stores" and an extra letter "s" (a clear instance of letter duplication/typosquatting), which does not prevent a finding of confusing similarity ([WIPO Overview 3.0](#), section 1.9). According to [WIPO Overview 3.0](#), section 1.9, "[a] domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" and an example of such a misspelling is "the inversion of letters and numbers". The inversion or relocation of a single letter here, the "s" does not prevent a finding of confusing similarity, particularly as the mark BABYSHOP remains clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark.

It is also well accepted that a gTLD, in this case ".com", is typically ignored when assessing the similarity between a trademark and a domain name. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other term here, "storess" 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 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.

The Complainant contends, and the Panel accepts, that the Respondent has no connection or affiliation with the Complainant and has not been authorized, licensed, or otherwise permitted to use the Complainant’s BABYSHOP trademark in any manner, including in a disputed domain name.

As evidenced by the side-by-side comparison submitted by the Complainant in the Annex 13 of the Complaint, the disputed domain name <babyshopstoress.com> resolves to a website that reproduces the Complainant’s BABYSHOP logo and mimics the layout, product categories, and overall commercial impression of the Complainant’s official website <babyshopstores.com>, purporting to offer similar goods such as baby and children’s apparel, toys, and accessories.

Panels have recognized that resellers or distributors may in limited circumstances claim rights or legitimate interests if their use meets the criteria of the so-called *Ok! Data* test (see [WIPO Overview 3.0](#), section 2.8). However, the Respondent’s use does not satisfy these requirements:

- it does not accurately disclose the lack of relationship with the Complainant,
- it uses the Complainant’s mark in its entirety, giving the false impression of being an official or affiliated store, and
- it imitates the Complainant’s website presentation and trademark stylization, thereby impersonating the Complainant.

Accordingly, the Panel finds that the Respondent’s conduct does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

Moreover, the composition of the disputed domain name incorporating the Complainant’s mark in full and merely adding an extra “s” and the descriptive plural form “stores” carries a clear risk of implied affiliation, as recognized in [WIPO Overview 3.0](#), section 2.5.1.

The Respondent has not submitted any Response or evidence to rebut the Complainant’s prima facie case. In the absence of such evidence, the Panel draws adverse inferences under paragraph 14(b) of the Rules.

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 notes that the Respondent must have been aware of the Complainant's trademark as the disputed domain name was registered approximately 20 years after the registration of the Complainant's trademark. The Panel finds that the Respondent was clearly aware of the Complainant and its trademark at the time of registration. As shown in Annex 13, the Respondent's website reproduces the Complainant's registered BABYSHOP logo, evidencing intentional imitation. Such use demonstrates that the disputed domain name was registered and is being used in bad faith, with the intent to mislead consumers and exploit the Complainant's reputation.

The Respondent appears to have registered and used the disputed domain name to intentionally attract Internet users to its website by creating the false impression that it is operated by, affiliated with, or authorized by the Complainant. The disputed domain name incorporates the Complainant's BABYSHOP trademark in its entirety with only a minor typographical alteration, and the Respondent's website reproduces the Complainant's registered trademark, as evidenced in Annex 13. The Panel finds that such use demonstrates a clear intent to target and impersonate the Complainant. Accordingly, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website and the products offered there.

In the Panel's view, the Respondent's failure to respond to the Complaint additionally supports the conclusion that it has registered and is using the disputed domain name in bad faith.

The current passive holding of the disputed domain name does not preclude a finding of bad faith (see [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 <babyshopstoress.com> be transferred to the Complainant.

/Gökhan Gökçe/

Gökhan Gökçe

Sole Panelist

Date: October 7, 2025