

ADMINISTRATIVE PANEL DECISION

Build-A-Bear Workshop, Inc. v. Christ Defoe, Christ Defoe, Louise Noah,
Louise Noah, and Perry Eden, Perry Eden
Case No. D2025-4246

1. The Parties

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

The Respondents are Christ Defoe, Christ Defoe, Germany, Louise Noah, Louise Noah, Germany, and Perry Eden, Perry Eden, Germany.

2. The Domain Names and Registrar

The disputed domain names <buildabear-australia.com>, <buildabear-canada.com> and <buildabearuk.com> are registered with Name SRS AB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 16, 2025. On October 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 17, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Protected Protected, Shield Whois) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 20, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on October 24, 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 October 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 18, 2025.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on November 24, 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 BUILD-A-BEAR, a global retail-entertainment company offering an interactive stuffed-animal experience. The Complainant is the holder of the following trademark registrations, among others:

Trademark	Registration No.	Date of Registration	Classes	Jurisdiction
BUILD-A-BEAR	004872479	October 10, 2007	Classes 28 and 35	European Union
BUILD-A-BEAR	00904872479	October 10, 2007	Classes 28 and 35	United Kingdom
BUILD-A-BEAR	TMA712817	April 25, 2008	Classes 28, 35, and 41	Canada
BUILD-A-BEAR	3741249	January 19, 2010	Class 35	United States
BUILD-A-BEAR	1673192	February 06, 2015	Classes 28 and 35	Australia

The Complainant also owns the domain name <buildabear.com> which resolves to the Complainant's official website. The Complainant's domain name was registered on March 13, 1997. By contrast, the disputed domain names <buildabear-australia.com>, <buildabear-canada.com> and <buildabearuk.com> were registered on September 15, 2025.

At the time of this Decision, the disputed domain names are inactive. However, the Complainant has provided evidence showing that the disputed domain names previously resolved to websites that, without authorization, used the Complainant's BUILD-A-BEAR trademark and copyrighted logos, and offered related merchandise for sale.

5. Parties' Contentions

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:

A. Complainant

That, since its foundation in 1997, the Complainant has grown into a widely recognized international brand. That, as of February 2024, it operated 359 stores across the United States, Canada, the United Kingdom, and Ireland, supported by thousands of employees, with additional franchise locations throughout Europe, Asia, Australia, Africa, and the Middle East.

That it maintains a significant online presence through its primary website, which receives nearly 3 million monthly visits and ranks among the most popular websites globally and in the United States. The Complainant enjoys substantial reach across social media platforms, and through sustained global advertising, online visibility, and consistent commercial use, the BUILD-A-BEAR brand has become widely recognized and enjoys strong goodwill worldwide.

That, through its longstanding commercial presence, extensive global footprint, and distinctive business model, the Complainant is firmly established as a leading participant in the retail-entertainment industry.

I. Identical or Confusingly Similar

That by virtue of its trademark registrations, the Complainant is the owner of the BUILD-A-BEAR trademark, as well as of a registered domain name portfolio with use and registration dates predating those of the disputed domain names.

That the disputed domain names incorporate the Complainant's BUILD-A-BEAR trademark in its entirety. That the addition of the descriptive terms "Australia", "Canada" and "UK" do not prevent a finding of confusing similarity. In accordance with well-established practice, the generic Top Level Domain ("gTLD") ".com" is irrelevant to this assessment, as gTLDs are disregarded when comparing domain names and trademarks. That, as such, the BUILD-A-BEAR mark remains clearly recognizable, and that the added terms merely describe characteristics of the goods or services purportedly offered, without diminishing the resulting confusion (and cites *Chernow Commc'ns, Inc. v. Kimball*, WIPO Case No. [D2000-0119](#)).

II. Rights or Legitimate Interests

That the Complainant has long protected and used the BUILD-A-BEAR trademark in connection with its retail-entertainment services and related goods worldwide, consistently operating under the BUILD-A-BEAR brand across its commercial activities and online presence.

That the BUILD-A-BEAR trademark is recognized and protected through registrations issued by multiple trademark offices, which constitute prima facie evidence of the mark's validity, the Complainant's ownership, and its exclusive right to use it in commerce. These rights significantly predate the registration of the disputed domain names.

That the Respondent is not affiliated with or sponsored by the Complainant, and that the Complainant has not authorized or permitted the Respondent to use its trademarks in any manner, including in the registration of domain names incorporating the BUILD-A-BEAR mark (and cites *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#)).

That the Respondent is not commonly known by the disputed domain names, which supports the finding of no rights or legitimate interests.

That the names of the registrants bear no resemblance to disputed domain names, and that there is no evidence, including from the Whols information, indicating that the Respondent is commonly known by them, and accordingly, cannot be regarded as having acquired any rights or legitimate interests in the disputed domain names (and cites *Moncler S.p.A. v. Bestinfo*, WIPO Case No. [D2004-1049](#)).

That, at the time the Complaint was filed, the Respondent was using a privacy Whols service, which further supports a finding of no legitimate interest (and cites *Jackson National Life Insurance Company v. Private Whols www.jacksonnationallife.com N4892*, WIPO Case No. [D2011-1855](#)).

That the Respondent's use of the Complainant's logo to exploit the fame and goodwill of the Complainant's brand, combined with the use of confusingly similar domain names in an intent to mislead the Complainant's customers, cannot constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use (and cites *Houghton Mifflin Co. v. Weatherman, Inc.*, WIPO Case No. [D2001-0211](#)).

That the Respondent registered the disputed domain names long after the Complainant had established and registered its BUILD-A-BEAR trademark across multiple jurisdictions and decades after its first use in commerce and registration of its official domain name <buildabear.com>.

That, by the time when the Respondent registered the disputed domain names, the Complainant's mark incorporated therein enjoyed a well-known, worldwide reputation. Accordingly, the disputed domain names create a strong risk of implied affiliation with the Complainant, which cannot constitute fair use under the UDRP.

III. Registered and Used in Bad Faith

That the Complainant and its BUILD-A-BEAR trademark are internationally recognized, with registrations in multiple jurisdictions and continuous use in commerce since 1997, long before the Respondent registered the disputed domain names on September 15, 2025.

That the Respondent necessarily had knowledge of the Complainant's BUILD-A-BEAR company, trademarks, and business activities when registering the disputed domain names. By registering three domain names that fully incorporate the Complainant's BUILD-A-BEAR trademark and given that these disputed domain names previously resolved to websites impersonating the Complainant's brand and business, the Respondents demonstrated clear familiarity with the Complainant's well-known mark. Considering the Complainant's longstanding international reputation, as well as the Respondent's use of the Complainant's logo and related imagery, it is not possible to conceive of a plausible scenario in which the Respondent was unaware of the Complainant at the time of registration, suggesting opportunistic bad faith (and cites *Telstra Corp. Ltd. v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No. [D2000-0226](#) and *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#)).

That Respondent has created a clear likelihood of confusion with the Complainant and its BUILD-A-BEAR trademark by incorporating the mark in its entirety into the disputed domain names. That the Respondent then sought to capitalize on this confusion by impersonating the Complainant's brand and business, including the unauthorized display of the Complainant's copyrighted logo and the use of this misleading association to promote and offer competing products. That such conduct cannot constitute a bona fide offering of goods or services and instead demonstrates a deliberate attempt to exploit the Complainant's goodwill for commercial gain (and cites *World Wrestling Fed'n Entm't, Inc. v. Ringside Collectibles*, WIPO Case No. [D2000-1306](#)).

That the fact that the disputed domain names now resolve to inactive websites further to the Complainant's efforts to suspend the disputed domain names does not change the fact that the Respondent has acted in bad faith.

That an investigation carried out by the Complainant further revealed that the Respondent is also linked to the domain name <buildabears.fr>, which also incorporates the Complainant's registered trademark without authorization. That this additional domain name registration—outside the present dispute—demonstrates that the Respondent is engaged in a broader pattern of cybersquatting. That such conduct constitutes strong evidence of bad faith registration and use, as it reflects a deliberate and repeated effort to target the Complainant's BUILD-A-BEAR trademark for improper commercial gain (and cites *Revlon Consumer Products Corporation v. Domain Manager, PageUp Communications*, WIPO Case No. [D2003-0602](#)).

That the Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide his identity, which constitutes further evidence of bad faith registration and use (and cites *Dr. Ing. H.C. F. Porsche AG v. Domains by Proxy, Inc.*, WIPO Case No. [D2003-0230](#)).

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue - Multiple Registrants

The Complainant has submitted a request for consolidation of multiple registrants in the same proceeding, alleging that the disputed domain name registrants are the same individual/entity or merely alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

In determining whether a single consolidated complaint can be brought against multiple registrants, panels typically look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario. See section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

Based on the evidence submitted, which is not contested by the Respondent, the Panel accepts the Complainant's contention stating that the disputed domain names are subject to common control. All three disputed domain names are under common control, as evidenced by the identical email details associated with each Respondent. Moreover, all of the disputed domain names were registered on September 15, 2025, through the same Registrar, and they resolved to websites with highly similar layouts and look and feel that reproduce the Complainant's BUILD-A-BEAR trademark and brand identity.

Considering the above, the Panel accepts that the disputed domain names are subject to common control and thus finds that consolidation would be fair and equitable to all Parties under Paragraph 3(c) of the Rules.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to herein as "the Respondent") in a single proceeding.

6.2 Substantive Issues

Paragraph 4(a) of the Policy sets out the three requirements that the complainant must prove in order to successfully request remedies:

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

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also [WIPO Overview 3.0](#), section 4.3).

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 names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the BUILD-A-BEAR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain names entirely reproduce the Complainant's BUILD-A-BEAR trademark. The Panel finds that the Complainant's BUILD-A-BEAR trademark is recognizable within the disputed domain names and as a well-known trademark. [WIPO Overview 3.0](#), section 1.7.

The addition of the terms "Australia", "Canada" and "UK" does not prevent the finding of confusing similarity between the disputed domain name and the Complainant's mark for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.8).

It is also well established that the addition of the gTLD ".com" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain names are confusingly similar to the Complainant's BUILD-A-BEAR trademark 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 names. 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 names such as those enumerated in the Policy or otherwise. Specifically, the Respondent has failed to submit evidence of bona fide or legitimate noncommercial or fair use of the disputed domain names. No evidence has been filed in connection with the Respondent being commonly known by the disputed domain names.

Furthermore, the Panel considers that the composition of the disputed domain names carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Therefore, 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 Complainant has ascertained its rights over the BUILD-A-BEAR trademark. The dates of registration of said trademark and further registered domain names significantly precede the date of registration of the disputed domain names.

The Complainant has provided uncontested evidence demonstrating that it is a well-established global retail entertainment company known for its interactive stuffed-animal experience in several markets around the world, including Germany, where the Respondent has declared to reside. Said evidence supports the conclusion that the BUILD-A-BEAR trademark is a well-known mark that enjoys substantial goodwill and a significant degree of fame worldwide and a high degree of fame and public recognition (see *Audi AG and Volkswagen AG v. Glenn Karlsson-Springare*, WIPO Case No. [D2011-2121](#), *Tetra Laval Holdings & Finance S.A. v. Ricardo Lopez Ortega*, WIPO Case No. [D2022-4037](#) and *Swarovski AG v. Marius Muller*, WIPO Case No. [D2016-2315](#)).

Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can in itself create a presumption of bad faith (see [WIPO Overview 3.0](#), section 3.1.4.; see also *Ferrari S.p.A. v. Ms. Lee Joohee [or Joo-Hee]*, WIPO Case No. [D2003-0882](#)). This is so in the present case.

The Panel notes that the fact that the Respondent registered the disputed domain names which entirely reproduce the Complainant's BUILD-A-BEAR trademark shows that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#); *Dream Marriage Group, Inc. v. Romantic Lines LP, Vadim Parhomchuk*, WIPO Case No. [D2020-1344](#); *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#), *Landesbank Baden-Württemberg (LBBW) v. David Amr*, WIPO Case No. [D2021-2322](#): "Given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the Disputed Domain Name with full knowledge of the Complainant's trademarks, constituting opportunistic bad faith. The Panel finds it hard to see any other explanation than that the Respondent knew of the Complainant's well-known trademark.")

The evidence submitted by the Complainant, and not rebutted by the Respondent, demonstrates that the Respondent previously caused the disputed domain names to resolve to websites that, without authorization, used the Complainant's BUILD-A-BEAR trademarks, brand image, and copyrighted logos, and offered related merchandise for sale. The evidence shows that the Respondent has imitated the look and feel associated with the Complainant's brand and establishments. This use of the disputed domain names (which fully incorporate the registered trademark BUILD-A-BEAR) is not legitimate, nor can it constitute fair use. On the contrary, the Respondent's use of the disputed domain names has posed a risk of misleadingly diverting consumers, as it has taken commercial advantage of the Complainant's BUILD-A-BEAR trademark. Previous panels appointed under the Policy have found that this is an indication of bad faith use of a disputed domain name (see [WIPO Overview 3.0](#) section 3.12; see also *MatchNet plc. v. MAC Trading*, WIPO Case No. [D2000-0205](#); *Andrey Ternovskiy dba Chatroulette v. Lukas Jansen*, WIPO Case No. [D2019-0781](#); and *SODEXO v. Nihat Bahçe, FN Market / Nihat BAHCE, fnmarket*, WIPO Case No. [DCC2015-0002](#)).

Panels have held that the use of a domain name for illegitimate activity here, claimed as impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The disputed domain names are currently inactive. Panels have found that the non-use of a domain name would not prevent the finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Moreover, the fact that at the time the Complaint was filed, the Respondent was using a privacy Whois service, further supports the conclusion that the Respondent lacks any legitimate interest and reinforces the inference of bad-faith registration and use (see *Jackson National Life Insurance Company v. Private Whois www.jacksonnationallife.com N4892*, WIPO Case No. [D2011-1855](#)). Having reviewed the available record, the Panel notes the well-known nature of the Complainant's trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the current passive current holding of the disputed domain names 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 names <buildabear-australia.com>, <buildabear-canada.com> and <buildabearuk.com> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: December 8, 2025