

ADMINISTRATIVE PANEL DECISION

Freebird Life LLC v. Healey Margaret
Case No. D2025-4333

1. The Parties

The Complainant is Freebird Life LLC, United States of America ("United States"), represented by Wiley Rein LLP, United States.

The Respondent is Healey Margaret, United States.

2. The Domain Name and Registrar

The disputed domain name <freebirdoutlet.com> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 22, 2025. On October 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (REDACTED FOR PRIVACY / Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 November 3, 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 November 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 28, 2025.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on December 8, 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, through its predecessors in interest, has used the mark FREEBIRD since 2009 in connection with craftsman footwear, including leather boots. Since its founding in 2009, the Complainant has used the mark FREEBIRD continuously as its business name, trademark and service mark in connection with footwear, accessories and retail services. The Complainant also offers other footwear and accessories, including sandals, heels, sneakers, baby booties, hats, wallets, and keychains.

The Complainant's products are available for sale through many outlets, including online retail and brick-and-mortar retail locations in the United States. The Complainant operates its own online retail store at "www.freebirdstores.com", which it claims it has used continuously since 2018 to host a website that offers and promotes its products and retail services.

The Complainant's products have attracted significant media attention, with features in publications ranging from local press outlets to specialty press outlets focused on Western-wear, to major national press outlets like Forbes. The Complainant has a media following, including an Instagram page with over half a million followers, and a Facebook page with over 750,000 followers. The Complainant claims common law trademark rights in the FREEBIRD mark for its goods and services. The Complainant also owns the following registered marks in the United States:

- FREEBIRD BY STEVEN, Registration No. 5938581, registered December 17, 2019;
- FREEBIRD, Registration No. 7001866, registered March 14, 2023; and
- FREEBIRD, Registration No. 7001867 (combined), registered March 14, 2023.

The disputed domain name was registered on August 18, 2025, and resolves to a website displaying "FREEBIRDOUTLET" purporting to offer shoes and accessories for sale. The product images on the Respondent's website have been taken directly from the Complainant's legitimate website at "freebirdstores.com".

According to the Complainant, on September 15, 2025, the private investigator engaged by it placed an order for a pair of women's shoes through the Respondent's website. Although the website claimed that the transaction was completed, the investigator never received any further correspondence from the Respondent or the Respondent's website and never received the shoes as ordered.

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 incorporates its FREEBIRD mark in its entirety, that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that 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

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 Complainant's 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 addition of the term "outlet" 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 Complainant has not authorized the Respondent to use the Complainant's trademark in a domain name or in any other manner. The Respondent is not using the disputed domain name in connection with the bona fide offering of goods or services. The record and unrebutted Complainant's contentions show that the Respondent has used product images from the Complainant's website, and is using the disputed domain name and the website at that domain name to offer the Complainant's products without disclosing its lack of relationship with the Complainant and, further, to deceive Internet consumers into paying the Respondent for products that are never shipped. 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.

Panels have held that the use of a domain name for illegal activity, such as impersonation/passing off, or other types of fraud as shown in this case, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 is using the disputed domain name to resolve to a scam website that displays “FREEBIRDOUTLET” and images of the Complainant’s products taken from the Complainant’s legitimate website. The Respondent intends to deceive Internet users into paying for products that are never shipped and/or, at the very least, is offering the Complainant’s products without disclosing its lack of relationship with the Complainant. The Respondent is using the disputed domain name containing the Complainant’s mark in connection with a website designed to financially benefit the Respondent. The record indicates that the Respondent was well aware of the Complainant’s mark and products at the time of registering the disputed domain name and developing and operating the website accessed at the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity such as impersonation/passing off, or other types of fraud, 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 name constitutes 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 <freebirdoutlet.com> be transferred to the Complainant.

/Lynda J. Zadra-Symes/

Lynda J. Zadra-Symes

Sole Panelist

Date: December 22, 2025