

ADMINISTRATIVE PANEL DECISION

Dansko, LLC v. Hays Kathryn
Case No. D2025-4713

1. The Parties

The Complainant is Dansko, LLC, United States of America (“United States” or “U.S.”), represented by Cozen O’Connor, United States.

The Respondent is Hays Kathryn, United States.

2. The Domain Name and Registrar

The disputed domain name <danskoshoesdeals.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 November 13, 2025. On November 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 16, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 17, 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 19, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 11, 2025.

The Center appointed Steven Auvil as the sole panelist in this matter on December 17, 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 a worldwide footwear provider and offers boots, sandals, flats, and sneakers. The Complainant's footwear has been a top choice of medical professionals for over two decades.

The Complainant owns United States trademark registration number 3854991 for DANSKO registered on September 28, 2010, registration number 4229847 for DANSKO registered on October 23, 2012, registration number 3265194 for DANSKO registered on July 17, 2007, and registration number 2712957, also for DANSKO, registered on May 6, 2003.

According to the Complaint, the disputed domain name was registered by the Respondent on September 10, 2025. Moreover, according to the Complaint, the disputed domain name has been used to provide retail services identical to those of the Complainant, even including images from the Complainant's own website and including the Complainant's DANSKO mark logo.

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.

The Complainant first contends that the disputed domain name is confusingly similar to the Complainant's DANSKO mark. The disputed domain name includes the entirety of the Complainant's DANSKO mark with the addition of the descriptive phrase "shoes deals." The Complainant contends that the inclusion of the phrase "shoes deals" increases the likelihood of confusion, as consumers are likely to believe that the disputed domain name is related to, affiliated with, or otherwise sponsored by the Complainant as a location to shop for the Complainant's shoes at a discount.

The Complainant next contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complaint, the Respondent is neither affiliated with nor has it been authorized by the Complainant to register or otherwise use the DANSKO mark. The Complainant further contends that there is no evidence indicating that the Respondent has been commonly known by the disputed domain name. The Complainant also contends that the disputed domain name gives consumers the false impression that the disputed domain name is owned by the Complainant.

Finally, the Complainant contends that the Respondent has registered and has used the disputed domain name in bad faith. First, according to the Complaint, the disputed domain name resolves to a website purporting to sell the Complainant's goods, even going as far as including the Complainant's DANSKO mark and the Complainant's DANSKO logo. Second, according to the Complaint, the Respondent concealed its true identity by registering the disputed domain name through a privacy service, evidencing bad faith. Further, the Complainant contends that the Respondent registered the disputed domain name to trade off of the Complainant's goodwill in its DANSKO marks and to confuse consumers into believing that the disputed domain name is affiliated or associated with the Complainant.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

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

In view of the Respondent's failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented.

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint, and reasonable inferences drawn from the evidence presented.

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 as the Complainant owns trademarks for DANSKO. [WIPO Overview 3.0](#), section 1.2.1.

The evidence submitted by the Complainant also supports the conclusion that the disputed domain name is confusingly similar to the Complainant's DANSKO mark. As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or “at least a dominant feature of the relevant mark is recognizable in the domain name,” the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise)” does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

Here, the disputed domain name is confusingly similar to the Complainant's DANSKO mark because the Respondent has incorporated the entirety of the Complainant's DANSKO mark with the addition of the terms “shoes deals”. These differences do not prevent a finding of confusing similarity. See *Montblanc-Simplo GmbH v. Hongsen Qiao*, WIPO Case No. [D2020-0932](#).

As set forth in section 1.11.1 of the [WIPO Overview 3.0](#), the applicable generic Top-Level Domain (“gTLD”) (e.g., “.com” or “.org”) is viewed as a standard registration requirement and as such is typically disregarded under the first element's confusing similarity test. As such, the use of “.com” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

The Panel therefore 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. Such circumstances include:

(i) before any notice of the dispute, the Respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;

(ii) the Respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or tarnish the trademark or service mark at issue.

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 the production of information that is often only within the knowledge or control of the respondent. Considering this difficulty, 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 registered the disputed domain name that is confusingly similar to Complainant’s mark. Further, the evidence demonstrates that the Respondent is using the disputed domain name to attempt to pass itself off or impersonate the Complainant, including through use of the Complainant’s trademark and logo and copying some content from the Complainant’s official website. Panels have held that the use of a domain name for illegitimate activity, such as claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that none of the circumstances listed in paragraph 4(c) of the Policy apply. The Respondent did not respond to the Complaint and provide any evidence demonstrating rights or legitimate interests in the disputed domain name.

Under the circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and therefore that the second element of paragraph 4(a) of the Policy is satisfied.

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 that, if found by the Panel to be present, is evidence of the registration and use of a domain name in bad faith.

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.

In the present case, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith.

First, the disputed domain name incorporates the entirety of the Complainant's registered DANSKO mark with the exception of adding the phrase "shoes deals," resulting in confusing similarity and a risk of implied affiliation. This alone raises an inference of bad faith.

Second, the Panel finds that the Respondent has engaged in using the disputed domain name in connection with an e-commerce business without the Complainant's authorization. In other words, Respondent is attempting to trade off of the Complainant's goodwill in its DANSKO marks and confuse consumers into believing that the disputed domain name is affiliated or associated with Complainant. This, too, constitutes evidence of bad faith. See *LEGO Juris A/S v. Hongxia Wang*, WIPO Case No. [D2022-1742](#).

Third, the Respondent has provided no rebuttal evidence demonstrating good faith registration or use by it of the disputed domain name. See *Park 'N Fly Service LLC v. Usman Hafeez*, WIPO Case No. [D2025-1727](#).

Considering these circumstances, including the failure of the Respondent to respond to the Complaint, the Panel finds that the Respondent more likely than not knew of the Complainant's DANSKO mark at the time of registering the disputed domain name and used the disputed domain name to unfairly capitalize on the Complainant's DANSKO mark.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith and 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 <danskoshoesdeals.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: December 31, 2025