

ADMINISTRATIVE PANEL DECISION

Baobab Collection v. Kenneth Talbert

Case No. D2025-4782

1. The Parties

The Complainant is Baobab Collection, Belgium, represented by Cabinet Bouchara, France.

The Respondent is Kenneth Talbert, United States of America.

2. The Domain Name and Registrar

The disputed domain name <baobabcollectionoutlet.shop> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2025. On November 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On November 19, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which 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 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 amended Complaint on November 22, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 18, 2025.

The Center appointed Nicholas Smith as the sole panelist in this matter on December 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 has since at least 2002 produced and distributed a range of scented products (candles, diffusers, home fragrances, body wellness), under the trademark BAOBAB (the “BAOBAB Mark”) as well as related figurative marks. The Complainant promotes its products through various means including from its website at “www.baobabcollection.com” (the “Complainant’s Website”) which has been in use since 2002.

The Complainant holds the trademark registration for BAOBAB Mark in the European Union since 2016 (Registration No. 015019292, registered August 22, 2016, in classes 3, 4, 5, 18, 20, 21 and 34).

The Domain Name was registered on August 25, 2025. The Domain Name resolves to a website (the “Respondent’s Website”) that reproduces the BAOBAB Mark and copyrighted images of the Complainant’s products from the Complainant’s Website and purports to offer products identical to the Complainant’s products offered under the BAOBAB Mark at discounted prices.

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 Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of the BAOBAB Mark, having registered the BAOBAB Mark in the European Union. The Domain Name is confusingly similar to the BAOBAB Mark as it merely adds the terms “collection outlet” to the wholly incorporated mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the BAOBAB Mark. The Respondent is not using the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather, the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by reproducing the Complainant’s BAOBAB Mark, and copyrighted images of the Complainant’s goods while purporting to offer the Complainant’s goods. Such use is not a legitimate use of the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to attract Internet users to the Respondent’s Website by creating likelihood of confusion with the Complainant’s trademarks for commercial gain. Such conduct amounts to registration and use of the Domain Name 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 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 Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here “collection outlet”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2;
- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4;
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Respondent's use of the Domain Name to resolve to the Respondent's Website which purports to offer scented products under the BAOBAB Mark while reproducing copyrighted images of the Complainant's products taken from the Complainant's Website without disclosing its lack of relationship with the Complainant does not amount to use for a bona fide offering of goods or services. It appears that the purpose behind the Respondent's Website is to encourage visitors, under the impression that they are dealing with the Complainant, to seek to purchase at discounted prices the scented products purportedly offered by the Respondent, such conduct not being a bona fide offering of goods or services.

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 Panel finds that the Respondent must have been aware of the Complainant and its reputation in the BAOBAB Mark at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither is it immediately obvious, why an individual/entity would register a domain name that wholly incorporates the BAOBAB Mark together with descriptive terms and direct it to a website purportedly offering scented products (using images taken from the Complainant's Website) under the Complainant's BAOBAB Mark (and figurative marks), and without any indication of its lack of relationship with the Complainant, unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its BAOBAB Mark.

The Panel considers that the record of this case reflects that the Respondent's purported offer of scented products under the Complainant's BAOBAB Mark on the Respondent's Website cannot constitute fair use.

The Panel finds that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the BAOBAB Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 Domain Name <baobabcollectionoutlet.shop> be transferred to the Complainant.

/Nicholas Smith/
Nicholas Smith
Sole Panelist
Date: January 7, 2026