

## **ADMINISTRATIVE PANEL DECISION**

CW Brands LLC v. Anna Taylor  
Case No. D2025-4919

### **1. The Parties**

The Complainant is CW Brands LLC, United States of America (“United States”), represented by Kaufman & Kahn, LLP, United States.

The Respondent is Anna Taylor, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <coldwatercreekoutlets.com> (the “Disputed Domain Name”) 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 25, 2025. On November 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 27, 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 December 1, 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 December 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on December 30, 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 Complaint provides little information about Complainant, simply stating that the Disputed Domain Name is used in connection with a website “which purports to sell a variety of clothing as well as a variety of products under ‘Best Sellers’ and ‘Clearance Sale’” and, therefore, that Respondent “attempts to sell the same goods and services as Complainant, based on Complainant’s renowned trademarks”. The Complaint provides a screenshot of the website associated with the Disputed Domain Name, which purports to offer for sale clothing items such as sweaters, shirts, pocketbooks and shoes. (Inexplicably, the Complaint also states that “[t]he [Disputed] Domain Name does not link to an active website”. The Panel confirmed that, as of the date of this decision, the Disputed Domain Name in fact is associated with a website selling clothing.<sup>1</sup>) The Complaint does not provide any information about where Complainant sells its products (whether online or in physical stores); what, exactly, it sells; or how long it has sold its products.

The Disputed Domain Name was registered on September 4, 2025.

Despite the shortcoming described above, the Complaint states that Complainant owns various trademark registrations in the United States, Cambodia, Canada, Republic of Korea, Paraguay, Thailand, and Viet Nam. In support thereof, Complainant has provided printouts from the website of the United States Patent and Trademark Office for the following registrations owned by Complainant:

- U.S. Reg. No. 1,861,320 for COLDWATER CREEK (registered November 1, 1994) for use in connection with “retail store services for gift, clothing and jewelry items”; and
- U.S. Reg. No. 1,531,418 for COLDWATER CREEK (registered March 21, 1989) for use in connection with “mail order catalogue services for gift, craft, and jewelry items”.

These registrations are referred to herein as the “COLDWATER CREEK Trademark”.

#### **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 COLDWATER CREEK Trademark because, inter alia, “[t]he entirety of the [Disputed] Domain Name consists of the same two words” that appear in the COLDWATER CREEK Trademark, “plus the word ‘Outlets’ which addition does not change the overall meaning and impression of the [Disputed]Domain Name and only serve to confuse consumers who are misled to think that Respondent uses Complainant’s trademark with Complainant’s authorization or consent”.

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<sup>1</sup> As set forth in section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”): “it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. This may include visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name...”

- The Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “[t]here is no evidence of the Respondent’s use of, or demonstrable preparations to use, any of the [Disputed] Domain Name or a name corresponding to any of the [Disputed] Domain Name in connection with a bona fide offering of goods or services”; “the [Disputed] Domain Name mimics Complainant’s website and purports to sell the same goods and services”; “[i]t appears from the available information that the Respondent has not been commonly known by the [Disputed] Domain Name, or that the Respondent has acquired any trademark or service mark rights”; and “[t]he Respondent is not making legitimate non-commercial or fair use of the [Disputed] Domain Name, and instead has the intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue”.
- The Disputed Domain Name was registered and is being used in bad faith “for the reasons provided in the Policy, Paragraph 4(b)(i) and 4(b)(iv)”.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the COLDWATER CREEK Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the COLDWATER CREEK Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “coldwatercreekoutlets”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Here, of course, the Disputed Domain Name incorporates the entirety of the COLDWATER CREEK Trademark.

Although the addition of another term (here, “outlets”) 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. As set forth in [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “[t]here is no evidence of the Respondent’s use of, or demonstrable preparations to use, any of the [Disputed] Domain Name or a name corresponding to any of the [Disputed] Domain Name in connection with a bona fide offering of goods or services”; “the [Disputed] Domain Name mimics Complainant’s website and purports to sell the same goods and services”; “[i]t appears from the available information that the Respondent has not been commonly known by the [Disputed] Domain Name,

or that the Respondent has acquired any trademark or service mark rights”; and “[t]he Respondent is not making legitimate non-commercial or fair use of the [Disputed] Domain Name, and instead has the intent for commercial gain misleadingly to divert consumers or to tarnish the trademark or service mark at issue”.

[WIPO Overview 3.0](#), section 2.1, states: “[w]hile 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

### **C. Registered and Used in Bad Faith**

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

Here, Complainant simply states, without elaboration or citation to any previous decisions under the Policy, [WIPO Overview 3.0](#) or any other authority, that Respondent has acted in bad faith pursuant to paragraphs 4(b)(i) and 4(b)(iv) of the Policy. Nothing in the record indicates that Respondent obtained the Disputed Domain Name primarily for the purpose of selling it to Complainant or anyone else, let alone “for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name”. Therefore, the Panel refuses to find bad faith based upon paragraph 4(b)(i) of the Policy.

With respect to paragraph 4(b)(iv) of the Policy, the screenshot provided by Complainant (and the Panel’s own research, see footnote 1, supra) shows that Respondent is indeed purporting to sell products associated with the COLDWATER CREEK Trademark. And, although Complainant has provided no other factual or legal arguments in support of its conclusion, numerous panels have found that offering for sale goods or services associated with a trademark, where the disputed domain name is identical or confusingly similar to the trademark, without permission from the trademark owner, creates a likelihood of confusion. See, e.g., *Arla Foods amba v. Jucco Holdings*, WIPO Case No. [D2006-0409](#) (“the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith”); *Janie and Jack LLC v. jing guan*, WIPO Case No. [D2024-1004](#) (finding bad faith where “the disputed domain name resolved to a website purporting to sell clothing for children using the [complainant’s] mark without disclosing the Respondent’s lack of a relationship with the Complainant”); and *DocuSign, Inc. v. Traffic CPMiPV, Maria Carter*, WIPO Case No. [D2010-0344](#) (creating a website that appears to be a website for a complainant is “likely fraudulent” and “indicates an intent to deceive or, at a minimum, act in bad faith with the intent for commercial gain”). Therefore, the Panel

finds that the Disputed Domain Name was registered and is being used in bad faith.

The Panel finds the third element of the Policy has been established.

## **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 <coldwatercreekoutlets.com> be transferred to the Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: January 7, 2026