

ADMINISTRATIVE PANEL DECISION

TCP Brands, LLC v. yi lin

Case No. D2025-4999

1. The Parties

The Complainant is TCP Brands, LLC, United States of America (“United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

The Respondent is yi lin, China.

2. The Domain Name and Registrar

The disputed domain name <sugar-jade.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 2, 2025. On December 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 4, 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 (Super Privacy Service LTD c/o Dynadot (Registrant privacy service)) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 4, 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 9, 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 2, 2026.

The Center appointed Mireille Buydens as the sole panelist in this matter on January 8, 2026. 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 subsidiary of the company The Children's Place, Inc., both companies being headquartered in the United States. The Complainant and its parent company are involved in the sale of children's clothing. Since 2021, they use the SUGAR & JADE trademark in connection with a line of children's clothing, which is notably sold online on their own website and on an Amazon storefront. The Complainant has received substantial media attention for its SUGAR & JADE trademark.

The Complainant owns numerous trademark registrations for the SUGAR & JADE trademark (hereafter "the Trademark" or the "SUGAR & JADE Trademark"), including the following:

- The United States trademark registration no. 7037238 for SUGAR & JADE (combined), registered on April 25, 2023;
- The Chinese trademark registration no. 53998260 for SUGAR JADE (word mark), registered on January 21, 2022;
- The Chinese trademark registration no. 54006235 for SUGARJADE (word mark) registered on September 28, 2021;
- The International trademark registration no. 1598940 for SUGAR & JADE (word mark), registered on April 14, 2021.

The Complainant also hosts its official website at the domain name <sugarandjade.com>, where children's clothing under the SUGAR & JADE Trademark are offered for sale.

The disputed domain name was registered on April 30, 2025. According to the Complaint, the disputed domain name resolves to a website which prominently features the Complainant's SUGAR & JADE Trademark and logo in the banner at the top of the website and offers products identical to the products sold on the Complainant's official website and Amazon storefront. At the date of this Decision, the disputed domain name still directs to a website using the SUGAR & JADE Trademark and logo for offering women clothing, including products that are identical or at least very similar to the products sold on the Complainant's official website and Amazon storefront.

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.

First, the Complainant contends that the disputed domain name is identical to the Complainant's SUGAR & JADE Trademark as it reproduces the Trademark in its entirety minus the spaces and the ampersand. The ".com" Top-Level Domain extension should be disregarded when assessing the confusing similarity.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Given that the registration of the disputed domain name occurred after the Complainant had registered and made use of the SUGAR & JADE Trademark, the burden is on the Respondent to establish its rights or legitimate interest in the disputed domain name. There is no relationship between the Complainant and the Respondent that would give rise to any license, permission, or authorization by which the Respondent could own or use the disputed domain name. Further, the website

under the disputed domain name is impersonating/passing itself off as the Complainant's own website, purportedly offering the Complainant's SUGAR & JADE branded products. The Respondent's website unquestionably seeks to trade on the recognition of the Complainant's SUGAR & JADE Trademark, which does not constitute a bona fide use. Even if the goods offered for sale on the website under the disputed domain name were genuine SUGAR & JADE merchandise (and there is no evidence that this is the case), the Respondent's use of the disputed domain name would still not be bona fide because, for a reseller to make a bona fide use of a trademarked term in a domain name, the Respondent must inter alia accurately disclose the Respondent's relationship with the trademark owner, which is not the case here as the website fails to disclose the lack of any relationship between the Complainant and the Respondent.

The Complainant finally contends that the Respondent registered and uses the disputed domain name in bad faith because the Respondent, who has no connection with the Complainant, chose to register the disputed domain name for exploiting a website impersonating/passing itself off as the Complainant and offering the same products as the Complainant under the Complainant's Trademark. This demonstrates both the Respondent's familiarity with the Complainant's SUGAR & JADE Trademark and the Respondent's recognition of the renown of the Trademark. There is no basis for the Respondent to have chosen the disputed domain name unless the Respondent was seeking to create an association with the Complainant. The disputed domain name is essentially identical to the Complainant's SUGAR & JADE Trademark, clearly referencing the Complainant and the Complainant's business. The Internet users are likely to believe, mistakenly, that the disputed domain name is owned by, related to, or associated with the Complainant.

B. Respondent

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

6. Discussion and Findings

Dealing with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements in order to succeed in its Complaint:

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

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.

Based on the available records, the Panel finds that the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the SUGAR & JADE Trademark is reproduced within the disputed domain name. The only difference between the SUGAR & JADE Trademark and the disputed domain name is the replacement of the ampersand by a hyphen. The Panel finds this replacement does not prevent a finding of confusing similarity between the disputed domain name and the SUGAR & JADE Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the generic Top-Level Domain (“gTLD”) “.com” is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the SUGAR & JADE Trademark.

Accordingly, the disputed domain name is confusingly similar to the SUGAR & JADE Trademark for the purposes of the Policy.

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 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.

The Complainant owns trademark registrations for the SUGAR & JADE Trademark, which largely predates the registration of the disputed domain name. The Respondent is not licensed by nor affiliated with the Complainant in any way. There is no evidence that the Respondent would be commonly known under the disputed domain name, nor is there any evidence of use or demonstrable plans to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either.

The Panel notes that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The composition of the disputed domain name, replacing the ampersand in the Trademark by a hyphen (the ampersand not being a valid character in domain name registrations) along with the gTLD “.com” (also used by the Complainant for its official website), coupled with the use of the disputed domain name to resolve to a website that impersonates the Complainant (prominent use of the Complainant’s Trademark and logo, in the same colors, at the top of the website, with a ® to refer to the registered Complainant’s Trademark, offering identical or at least very similar products), affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant’s Trademark. This confirms that there is no use, nor preparations to use, of the disputed domain name in connection with a bona fide offering of goods or services.

Besides, as mentioned above, the disputed domain name resolves to a website impersonating the Complainant for offering identical or at least very similar products. Even if the products offered for sale on the website under the disputed domain name were genuine SUGAR & JADE merchandise, the Respondent's use of the disputed domain name would still not be bona fide because, for a reseller to make a bona fide use of a trademarked term in a domain name, the Respondent must inter alia accurately disclose the Respondent's relationship with the trademark owner, which is not the case here as the website fails to disclose the (lack of) any relationship between the Complainant and the Respondent. In any event, the nature of the disputed domain carrying a risk of implied affiliation, would not allow for a finding of fair use. Panels have held that the use of a domain name for illegitimate activity, here impersonation/passing off, 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.

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 notes that the Respondent has composed the disputed domain name by reproducing the Complainant's SUGAR & JADE Trademark, with the mere replacement of the ampersand by a hyphen. This slight change will go unnoticed by most Internet users. The disputed domain name resolves to a website impersonating the Complainant: the Complainant's Trademark is prominently reproduced in the banner on top of the website, with a ®, together with the complainant's logo in the same colors, for offering identical or at least very similar products (even if the products sold on the Respondent's website are presented as "women clothing", some items are exactly the same as the "girl products" presented on the Complainant's website). Besides, the SUGAR & JADE Trademark is fanciful for clothing. A quick search for the terms "SUGAR" and "JADE" online would have revealed to the Respondent the existence of the Complainant and its Trademark. In this regard, it should be noted that the Complainant's Trademarks also cover China, where the Respondent is located. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Moreover, panels have held that the use of a domain name for illegitimate activity, here impersonating/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the present case, as pointed out above, the disputed domain name resolves to a website (1) prominently displaying the Complainant's Trademark, logo and using the same colors; (2) offering clothing products which are identical or at least very similar to the products offered by the Complainant; and (3) without explaining the (lack of) relationship between the website under the disputed domain name and the Complainant. Internet users visiting the website under the disputed domain name are likely to believe, mistakenly, that the disputed domain name is owned by, related to, or associated with Complainant. In light of this, it seems inconceivable that the Respondent would have registered and used the disputed domain name for a reason other than seeking to unduly benefit from the Complainant, its well-known Trademark, and associated goodwill.

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 <sugar-jade.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: January 16, 2026