ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Klosterman Baking Co., LLC v. Nanci Nette
Case No. D2025-5081

1. The Parties

The Complainant is Klosterman Baking Co., LLC, United States of America ("United States"), represented by Keating Muething & Klekamp PLL, United States.

The Respondent is Nanci Nette, United States.

2. The Domain Name and Registrar

The disputed domain name <klostermanbakeries.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 9, 2025. On December 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 10, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that the 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 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 9, 2026.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on January 30, 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 privately-held national bakery business established in 1892. The Complainant has used the name Klosterman Baking Company since 1935, and owns trademark registrations for KLOSTERMAN, United States Registration Number 2932490; registered on March 15, 2005 and KLOSTERMAN and Design United States Registration Number 2907988; registered on December 7, 2004. The Complainant has owned and operated the domain name <klostermanbakery.com> for its official website since its registration on June 11, 1998. The Complainant's baked goods are distributed nationwide to major retail stores, as well as to restaurants and eateries throughout the country.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on October 24, 2024, and as of the date of the Decision, resolves to a website with no active content. Records show that around August 2025, the disputed domain name – which was under the name of a privacy service – resolved to a website advertising itself as the website of the Complainant, displaying the Complainant's name and logo, images from the Complainant's official website, address of the Complainant, and information about the Complainant's products, services, and company history, while advertising the Complainant's goods and services. Records also show a transfer of the disputed domain name to the current registrar sometime between August 2025 and December 2025.

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 KLOSTERMAN mark in which it has rights since the disputed domain name contains "klosterman" with only the generic term "bakeries" added to it.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that the Respondent linked the disputed domain name to a website selling products and services of the Complainant using the Complainant's mark, images from the Complainant's website, the Complainant's address and contact details, information about the Complainant's products, services, and company history. The Complainant contends that by doing so, the Respondent attempted to derive commercial gain by misleading and diverting consumers from the Complainant's official website, which does not constitute bona fide or fair use. Further, the Complainant contends that the disputed domain name does not currently resolve to any website with active content, and that this suggests that the Respondent is aware of the Complainant's rights and is attempting to avoid scrutiny.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the registration of a widely known mark like KLOSTERMAN creates a presumption of bad faith on the part of the Respondent, and that given the Complainant's trademark registrations, the Respondent should have known of the Complainant's rights prior to its fraudulent use of the disputed domain name. The Complainant further contends that the Respondent's use of the disputed domain name for a website mimicking the website of the Complainant shows intentional attempt to attract Internet users to the disputed domain name for commercial gain by creating a likelihood of confusion, and

that the current non-use of the disputed domain name does not cure the Respondent's bad faith use. Lastly, the Complainant contends that the Respondent has concealed its identity through privacy shields and attempted to elude and frustrate enforcement efforts, which supports an inference of bad faith use and registration.

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 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.

Although the addition of other terms – here, "bakeries" – 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. 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 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 Respondent has not provided any explanation on the ownership of the disputed domain name – specifically, whether it registered the disputed domain name in 2024 or whether it only acquired the disputed domain name between August and December 2025. In absence of such response, the Panel concludes that the Respondent is the original registrant responsible for the fraudulent website displaying the Complainant's marks and information. Panels have held that the use of a domain name for illegal activity – here, claimed impersonation/passing off – can never confer rights or legitimate interests on a respondent. WIPO Overview 3.0, section 2.13.1.

Even if the Respondent only acquired the disputed domain name between August and December 2025 and was not the registrant that linked the disputed domain name to the fraudulent website, the Respondent lacks rights of legitimate interests in the disputed domain name. Specifically, "UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner." WIPO Overview 3.0, section 2.5.1. Here, the descriptive term "bakeries" is added after the KLOSTERMAN mark which may mislead Internet users into believing that the website at the disputed domain name is related to and/or operated by the Complainant, contrary to the fact.

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 Respondent clearly targeted the Complainant when registering the disputed domain name. The disputed domain name mimics the Complainant's actual domain name, and further, based on the fame of the Complainant's mark, it is extremely unlikely for the Respondent to have registered it by chance without prior knowledge of the Complainant and its mark. Besides, Panels have found that the mere registration of a domain name that is confusingly similar to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview 3.0. Section 3.1.4.

Further, the disputed domain name was at one point linked to a website prominently displaying the Complainant's marks and copyrighted materials, offering the Complainant's goods and services and misleading Internet visitors to believe that the website is a website operated by the Complainant. Panels have held that the use of a domain name for illegal activity – here, claimed impersonation/passing off, 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.

Even if the Respondent only acquired the disputed domain name between August and December 2025, the Panel finds bad faith use on the part of the Respondent. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, the Respondent's concealment of its identity, the composition of the disputed domain name, and the implausibility of any good faith use for the disputed domain name by the Respondent, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of 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 <klostermanbakeries.com> be transferred to the Complainant.

/Ik-Hyun Seo/
Ik-Hyun Seo
Sole Panelist
Date: February 13, 2026