ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Curio Brands, LLC v. Retha Wassermann
Case No. D2025-5371

1. The Parties

The Complainant is Curio Brands, LLC, United States of America ("United States"), represented by Fredrikson & Byron, P.A., United States.

The Respondent is Retha Wassermann, United States.

2. The Domain Name and Registrar

The disputed domain name <thymeesus.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 22, 2025. On December 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 23, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 26, 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 amendment to the Complaint on December 30, 2025.

The Center verified that the Complaint together with the amendment to 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 January 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2026. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on January 27, 2026.

The Center appointed Steven Auvil as the sole panelist in this matter on February 2, 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 manufactures and sells bath and body products, candles, cleaning products, and home fragrances under its THYMES brand and related logos. The Complainant owns multiple trademark registrations for THYMES, including United States Registrations Nos. 3288716 for THYMES, registered on September 4, 2007, and 3308432 for T THYMES, registered on October 9, 2007, among others. The Complainant also registered the domain name <thymes.com> on February 2, 1996, for the THYMES brand.

The disputed domain name was registered on November 23, 2025. At the time of filing the Complaint, the disputed domain name resolved via Cloudflare but returned an Error 521 ("Web server is down").

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its THYMES mark; that the Respondent has no rights or legitimate interests in the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

First, the Complainant argues that the disputed domain name wholly incorporates the THYMES mark with a minor misspelling (an extra "e") and the addition of "us", amounting to typosquatting. Second, the Respondent is not authorized by or affiliated with the Complainant. Third, the Respondent's conduct reflects a pattern of targeting the Complainant by creating a likelihood of confusion with the Complainant's THYMES mark, including registering additional domain names incorporating the THYMES mark and impersonating the Complainant to offer counterfeit goods for sale, further evidencing bad faith.

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 the THYMES trademark through multiple registrations. WIPO Overview 3.0, section 1.2.1.

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, where 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.

The disputed domain name incorporates the THYMES mark in its entirety with the addition of an extra "e" and the suffix "us". Such minor alterations do not prevent a finding of confusing similarity. See *Moog Inc. v. James White*, WIPO Case No. D2018-0886.

Additionally, 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.

Accordingly, 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. 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 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 that the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests: the Respondent is not affiliated with or authorized by the Complainant; there is no evidence that the Respondent has been commonly known by the disputed domain name; and there is no demonstrable bona fide offering or legitimate noncommercial use. The Respondent has not rebutted this showing having failed to respond.

Accordingly, 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 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.

The composition of the disputed domain name – incorporating the Complainant's THYMES mark with a minor misspelling and geographic suffix – supports a finding of typosquatting intended to create a likelihood of confusion for commercial gain under paragraph 4(b)(iv). WIPO Overview 3.0, sections 3.1.4, 3.2.1. The Complainant credibly argues that the Respondent has engaged in a pattern of behavior that demonstrates bad faith registration and use. Still, the Respondent did not respond to the Complaint and thus did not attempt to rebut the Complainant's bad faith argument based on typosquatting. The Panel infers from this failure that the Respondent has no such argument or evidence that could rebut the evidence of bad faith registration and use of the disputed domain name.

Further, the Respondent's passive holding does not preclude a finding of bad faith in the circumstances of this case, given the distinctiveness of the Complainant's mark, the lack of any plausible good-faith use, and the Respondent's failure to participate in this proceeding. WIPO Overview 3.0, section 3.3.

Accordingly, 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 <thymeesus.com> be transferred to the Complainant.

/Steven Auvil/
Steven Auvil
Sole Panelist
Date: February 16, 2026