

ADMINISTRATIVE PANEL DECISION

Ice House America, LLC v. Twice The Ice, Twice Ice
Case No. D2026-0020

1. The Parties

The Complainant is Ice House America, LLC, United States of America (“United States”), represented by Seyfarth Shaw LLP, United States.

The Respondent is Twice The Ice, Twice Ice, United States.

2. The Domain Name and Registrar

The disputed domain name <twicetheice.org> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 5, 2026. On January 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2026, 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 January 9, 2026, 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 January 12, 2026.

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 January 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 5, 2026.

The Center appointed Phillip V. Marano as the sole panelist in this matter on February 17, 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 operates retail store services featuring ice vending machines, in addition to wholesale distributorships featuring ice vending machines. The Complainant offers information about its goods and services on its official “www.twicetheice.com” website. The Complainant owns valid and subsisting registrations in the United States, including the TWICE THE ICE standard character mark (Reg. No. 3,185,688, registered on December 19, 2006, and asserted a first use priority date of January 1, 2004) and the TWICE THE ICE ICE HOUSE AMERICA design mark (Reg. No. 4,844,416, registered on November 3, 2015, and asserted a first use priority date of June 20, 2013).

The Respondent registered the disputed domain name on November 29, 2025. At the time of this Complaint, the disputed domain name did not resolve to any website content.

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 asserts ownership of the TWICE THE ICE trademark and has adduced evidence of trademark registration in the United States, dated back to December 19, 2006, with a first use priority date of January 1, 2004. The disputed domain name is identical to the Complainant's TWICE THE ICE trademark, according to the Complainant, because it “incorporates Complainant's trademarks in full and mimics exactly Complainant's own domain name, replacing the gTLD used by Complainant (.com) with the '.org' gTLD.”

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any relationship with the Complainant; the lack of any license, permission, or authorization from the Complainant; the lack of any evidence that the Respondent is known by the disputed domain name; the lack of any evidence the Respondent holds any trademark rights in the disputed domain names; and the Respondent's use of the disputed domain name in connection with illegal activity, namely to impersonate the Complainant through wholesale copying of the Complainant's website and deceive consumers into believing that the Respondent sold the Complainant's authentic products. To support these arguments, the Complainant has cited both: (i) “inquiries from consumers asking if the Domain Name is affiliated with Complainant, demonstrating actual confusion, and (ii) an analysis from “Scam Adviser, which analyzes websites for scams,” and reports that “Respondent's website is ‘Suspicious’ and designated as ‘Caution Recommended,’ including because ‘[t]he owner of the website is using a service to [sic] their identity on WHOIS,’ there are a ‘[h]igh number of suspicious websites on this server,’ and ‘[t]his website is (very) young.’”

The Complainant argues that the Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) the Complainant's longstanding rights to the TWICE THE ICE trademark, which predate registration of the disputed domain name by more than twenty years; (ii) the Complainant's United States trademark registration, which constitutes constructive notice of the Complainant's rights; (iii) the Complainant's assertions that “[b]efore it was disabled on or about January 9, 2026, Respondent's website clearly mimicked, and was intended to evoke, Complainant's “www.icehouseamerica.com” website, as it used the same black-and-blue color scheme and similar imagery” and “Respondent's website also included content that was copied directly from Complainant's websites” and videos from the Complainant's YouTube page; and (iv) the Respondent's use of fake contact information to register the disputed domain name, specifically “the [registrant] name ‘Twice the Ice,’ which is, of course, Complainant's trademark and not a real entity name” and “the 330 Brookline Avenue address given by Respondent in Boston, Massachusetts appears to be the address of a medical facility, so presumably Respondent does not actually reside or operate its business there.”

B. Respondent

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

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- 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.

Although the Respondent did not reply to the Complainant's contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition ("[WIPO Overview 3.1](#)"), section 4.3 ("A respondent's default [...] would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's contentions are accurate [...] [UDRP] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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 3.1](#), section 1.7.

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. [WIPO Overview 3.1](#), section 1.2.1. The Complainant submitted evidence that the TWICE THE ICE trademark has been registered in the United States as of December 19, 2006, with priority dating back to January 1, 2004, more than twenty years before the disputed domain name was registered by the Respondent. Thus, the Panel finds that the Complainant's rights in the TWICE THE ICE trademark have been established pursuant to the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's TWICE THE ICE trademark. In this case, the disputed domain name is identical to the Complainant's TWICE THE ICE trademark because, disregarding the ".org" generic Top-Level Domain ("gTLD"), the entirety of the mark is reproduced within the disputed domain name. [WIPO Overview 3.1](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name [...] [I]n 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 [...]"). gTLDs, such as ".org" in the disputed domain name, are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.1](#), section 1.11.

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 3.1](#), 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. Where, as in this case, the Respondent fails to come forward with any relevant evidence, the Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.1](#), section 2.1.

In particular, UDRP panels have categorically held that use of a domain name for illegal activity - including the impersonation of the complainant and other types of fraud - can never confer rights or legitimate interests on a respondent. Circumstantial evidence can support a credible claim made by the complainant asserting the respondent is engaged in such illegal activity, including that the respondent has masked its identity to avoid being contactable, or that the Respondent’s website has been suspended by its hosting provider. [WIPO Overview 3.1](#), section 2.13. See e.g. *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrence*, WIPO Case No. [D2009-1017](#) (“[T]he Respondent has used the domain name to pretend that it is the Complainant and in particular to create false emails pretending that they are genuine emails coming from the Complainant and one of its senior executives”). See also *The Commissioners for HM Revenue and Customs v. Name Redacted*, WIPO Case No. [D2017-0501](#) (“In addition, the disputed domain names [...] have had their web hosting suspended as a result of fraudulent activities. This is evidence of bad faith registration and use of the disputed domain names.”) Here, the Complainant has submitted supporting circumstantial evidence (in the form of an analysis from Scam Advisor) that the Respondent has used the disputed domain name to impersonate the Complainant.

Circumstantial evidence can support a complainant’s otherwise credible claim of illegal respondent activity, including evidence that: (i) goods are offered disproportionately below market value; (ii) goods are ordinarily only sold under license or through a prescription; (iii) images of the goods used by a respondent suggest they are not genuine; (iv) the respondent has misappropriated copyrighted images from the complainant; (v) the goods at issue are extremely rare; (vii) the goods at issue have prompted consumer complaints; (viii) the respondent has improperly concealed its identity to avoid being contactable; and (ix) so-called “trap purchases” demonstrate illegal respondent activity. [WIPO Overview 3.1](#), section 2.13.2.

The Complainant did not submit any direct evidence, such as a website screengrab depicting the Respondent’s website content before that content was disabled, or copies of the actual consumer inquiries the Complainant received about the disputed domain name, which the Complainant asserts demonstrate actual confusion. Indeed, the Scam Advisor analysis submitted by the Complainant constitutes indirect evidence and is not particularly probative on its own. Nevertheless, in the absence of any controverting argumentation or evidence from the Respondent, the totality of the circumstances (as described above and below) makes it more likely than not that the Respondent has engaged in illegal activity as alleged by the Complainant.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that the Respondent has registered or the Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of the Respondent's documented out of pocket costs directly related to the disputed domain name; or
- ii. the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- iii. the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent'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 Respondent's website or location or of a product or service on the Respondent's website or location.

Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen Top-Level Domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark. [WIPO Overview 3.1](#), section 3.2.2. In this Panel's view, when the disputed domain name was registered on November 29, 2025, the Respondent knew or should have known of the Complainant's pre-existing rights in its TWICE THE ICE trademark. Indeed, circumstances in this case corroborate the Respondent's awareness of the Complainant and the Complainant's TWICE THE ICE trademark, including: (i) the identity of the disputed domain name to the Complainant's trademark; (ii) the Respondent's use of the same trademark as the name of the registrant for the disputed domain name; and (iii) the Complainant's allegation that the Respondent used the disputed domain name to publish literary and audio-visual content misappropriated from the Complainant's official website and YouTube page.

UDRP panels have categorically held that registration and use of a domain name for illegal activity - including impersonation, passing off, and other types of fraud - is manifestly considered evidence of bad faith within paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.1](#), section 3.4. Use of the disputed domain name by the Respondent to pretend that it is the Complainant or that it is associated with the Complainant is evidence of the Respondent's bad faith. See *GEA Group Aktiengesellschaft v. J. D.*, WIPO Case No. [D2014-0357](#) (concluding that respondent's use of the disputed domain name to disrupt the complainant's business by using it to impersonate the complainant for commercial gain was evidence of respondent's bad faith registration and use of the disputed domain name).

Here, the Complainant has proffered persuasive and uncontroverted argumentation and circumstantial evidence that the Respondent has used the disputed domain name for illegitimate or illegal activity. Specifically, the Complainant has alleged that: (i) the Respondent used the disputed domain name to publish literary and audio-visual content misappropriated from the Complainant's official website and YouTube page; and (ii) the Respondent used a fake registrant name and physical address to register the disputed domain name. Prior WIPO panel determinations agree, the use of false registration data in connection with a disputed domain name further supports a finding of bad faith registration and use.

Taken the Complainant's uncontroverted arguments and circumstantial evidence together, 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 <twicetheice.org> be transferred to the Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: March 7, 2026