

## **ADMINISTRATIVE PANEL DECISION**

Masco Corporation, Kraus USA Plumbing LLC v. Creamer Dakota  
Case No. D2026-0082

### **1. The Parties**

The Complainants are Masco Corporation, United States of America (“United States”), and Kraus USA Plumbing LLC, United States, represented by Com Laude Limited, United Kingdom.

The Respondent is CREAMER DAKOTA, United States.

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

The disputed domain name <krausoutlet.com> (the “Disputed Domain Name”) is registered with Dominet (HK) Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 9, 2026. On January 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 12, 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) and contact information in the Complaint. The Center sent an email communication to the Complainants on January 13, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on January 14, 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 10, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on February 16, 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 First Complainant, a United States corporation, is a designer, manufacturer and distributor of decorative architectural and plumbing products. Founded in 1929, the First Complainant owns over 100 subsidiaries, including the Second Complainant, operates 38 manufacturing facilities of which 30 are in North America, and employs over 18,000 people worldwide. The First Complainant's portfolio includes the KRAUS-brand faucet, bathing and showering products, among others.

The Second Complainant, a New York limited liability company, was founded in 2007 and is headquartered in New York, United States. The Second Complainant, a subsidiary of the First Complainant, operates the KRAUS brand and is the designer and manufacturer of kitchen and bathroom sinks, faucets and accessories.

The Second Complainant owns the following registered trademarks: KRAUS (stylized), United States Registration No. 3,478,540, registered on August 5, 2008, with a date of first use in commerce of May 15, 2006, in International Classes 6, 11, 20 and 21; KRAUS, European Union Registration No. 011259181, registered on June 23, 2013, in International Classes 6, 11, 20 and 21; KRAUS, United Kingdom Registration No. UK911259181, registered on June 23, 2013, in International Classes 6, 11, 20 and 21; KRAUS, China Registration No.11970558, registered on January 14, 2017, in International Class 11; and KRAUS (stylized), United States Registration No. 5,981,283, registered on February 11, 2020, in International Classes 6, 11, 20 and 21 (hereinafter collectively referred to as the "KRAUS Mark").

The Second Complainant owns the domain name <kraususa.com>, which resolves to its official website at "www.kraususa.com". The Second Complainant also operates several social media accounts for its KRAUS Mark, which together have over 255,000 followers.

The Disputed Domain Name was registered on June 25, 2025, and resolves to a website that impersonates the Second Complainant's official website and purportedly offer the Second Complainant's products, such as kitchen and bathroom sinks, taps and accessories, at a discount. Since the Respondent is not an official reseller of KRAUS-branded goods, the Complainants' products sold on the Respondent's resolving website are purportedly counterfeit or grey market goods.<sup>1</sup>

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name. Notably, the Complainants contend that:

- the Disputed Domain Name is confusingly similar to the KRAUS Mark because the Disputed Domain Name contains the KRAUS Mark in its entirety, followed by the term "outlet", and then followed by the generic Top-Level Domain ("gTLD") ".com", which does not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, the Disputed Domain Name resolves to a website that impersonates the Second Complainant's website and offers goods that are purportedly the Complainants' goods at a discount; and

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<sup>1</sup> Grey market goods refer to goods such as the Complainants', through distribution channels that are not authorized by the manufacturer or trademark owner.

- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainants' KRAUS Mark.

The Complainants seek the transfer of the Disputed Domain Name in accordance with paragraph 4(i) of the Policy.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Consolidation of the Complainants**

The Complainants have requested their consolidation in this proceeding. Pursuant to the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.11, the consolidation of multiple complainants filing a joint complaint against one or more respondents is subject to the discretion of the appointed panel. The Panel has concluded that consolidation of the Complainants would be appropriate in the present proceeding and would not have any unfair prejudicial effect on the Respondent. Moreover, the Complainants have been the target of common conduct by the Respondent, who has engaged in bad faith registration and use of the Disputed Domain Name. Furthermore, the Panel notes that the Complainants in the present administrative proceeding are affiliated since the Second Complainant is a subsidiary of the First Complainant. Thus, the Panel considers that it is fair and equitable under the circumstances of the case to permit consolidation as the Complainants are not only affiliated companies but also have common interests. Therefore, the Panel concludes that consolidation of the Complainants is appropriate in this proceeding.

### **6.2. Substantive Issues**

In order for the Complainants to prevail and have the Disputed Domain Name transferred to the Complainants, the Complainants must prove the following (Policy, paragraph 4(a)):

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name was registered and is being used in bad faith.

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

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the KRAUS Mark as explained below.

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. See [WIPO Overview 3.1](#), section 1.7.

It is uncontroverted that the Complainants have established rights in the KRAUS Mark based on its use as well as the registered trademarks for the KRAUS Mark in the United States and other jurisdictions worldwide. The consensus view of panels is that "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". See [WIPO Overview 3.1](#), section 1.2.1. Therefore, the Panel finds that the Complainants have rights in the KRAUS Mark.

The Disputed Domain Name consists of the Complainants' registered KRAUS Mark in its entirety followed by the term "outlet" and then followed by the gTLD ".com". The test for confusing similarity 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 disputed domain name. Here, the KRAUS Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of [WIPO Overview 3.1](#), "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". Thus, the addition of the term "outlet" to the Complainants' KRAUS Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See e.g., *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.1](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainants' KRAUS Mark.

Based on the available record, the Panel finds that 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 that 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.

In this case, given the facts as set out above, the Panel finds that the Complainants have made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainants' prima facie case. Furthermore, the Complainants have not authorized, licensed, or otherwise permitted the Respondent to use its KRAUS Mark. Nor do the Complainants have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c). Finally, the Respondent is not an official reseller of the Complainants' products and does not fulfil the criteria set out in the Oki Data test. [WIPO Overview 3.1](#), section 2.8.

Moreover, based on the use made of the Disputed Domain Name to resolve to a website that impersonates the Second Complainant's website and offers the Complainants' goods at a discount, which is likely that the goods are counterfeit or grey market goods, the Panel finds that the Respondent is not making a bona fide offering of goods or services nor making a legitimate noncommercial or fair use of the Disputed Domain Name under the circumstances of the case.

A comparison of the Second Complainant's website with the Respondent's website reveals, for example, that they both have a similar website structure, they both use the same black and white color scheme, they both display the KRAUS Mark throughout the respective websites, and they both use the same graphics and images on their respective websites. Screenshots of both websites were submitted by the Complainants in Annexes to the Complaint.

In sum, the Panel finds that the Complainants have established an un rebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Based on the available record, the Panel finds that 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.

The Panel finds that based on the record, the Complainants have demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy. 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 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity as here, passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy due to the Respondent's attempt to pass off as the Complainants to allegedly offer counterfeit, or grey market, goods to unwitting customers.

The Respondent attempted to pass off as the Complainants by copying their website offering KRAUS-branded products without disclosing its lack of relationship with the Complainants, thus demonstrating bad faith. Therefore, it strains credulity to believe that the Respondent had not known of the Complainants or the KRAUS Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. [D2001-0763](#) ("a finding of bad faith may be made where the respondent 'knew or should have known' of the registration and/or use of the trademark prior to registering the domain name"). In this regard, the fact that the Respondent featured goods bearing the KRAUS Mark on its website also indicates that the Respondent was aware of the Complainants and their branded goods. Rather, the Panel notes that the composition of the Disputed Domain Name, together with its use, affirms the Respondent's intention to take unfair advantage of the likelihood of confusion between the Disputed Domain Name and the KRAUS Mark as to the origin or affiliation of the website at the resolving Disputed Domain Name. In sum, the Panel finds that the Respondent had the Complainants' KRAUS Mark in mind when registering the Disputed Domain Name, another example of bad faith.

The use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Name indicates that such registration and use had been done for the specific purpose of trading upon and targeting the reputation, name, mark, and goodwill of the Complainants. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain").

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Name was an attempt to disrupt the Complainants' business. The Respondent's use of the Disputed Domain Name was also likely to confuse Internet users into incorrectly believing that the Respondent was authorized by or affiliated with the Complainants.

Finally, the Panel concludes that the Respondent in this case has engaged in a bad faith pattern of cybersquatting since the Respondent was a party to at least one other UDRP dispute, namely, *ASSA ABLOY Americas Residential Inc. v. CREAMER DAKOTA*, FA2510002184905 (FORUM November 18, 2025), in which the panel there found against the Respondent.

Based on the available record, the Panel finds that 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 <krausoutlet.com> be transferred to the Complainants.

*/Lynda M. Braun/*

**Lynda M. Braun**

Sole Panelist

Date: March 4, 2026