

ADMINISTRATIVE PANEL DECISION

Boot Barn, Inc. v. Derobertse Derobertse
Case No. D2026-0291

1. The Parties

The Complainant is Boot Barn, Inc., United States of America (the “United States”), represented by Sisun Law, United States.

The Respondent is Derobertse Derobertse, United States.

2. The Domain Name and Registrar

The disputed domain name <bootbarnofficial.com> is registered with West263 International Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 24, 2026. On January 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 27, 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 (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 27, 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 30, 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 February 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 24, 2026.

The Center appointed Dennis A. Foster as the sole panelist in this matter on March 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 is a Delaware company based in California that specializes in the sale of United States western cowboy footwear, clothing and other apparel. The Complainant began doing business in the late 1970s as a California company, and in the late 1990s began sales on the Internet. It has become one of the largest United States retailers of western motif goods.

The Complainant's primary Internet sales point is at its website at the domain name <bootbarn.com>.

The Complainant owns the United States trademark BOOT BARN, Registration No. 2,307,397, registration date January 11, 2000, international class 35 for retail store services featuring western wear.

The Respondent is an entity also located in the United States that runs an Internet sales business at the disputed domain name which it registered on October 2, 2025. The Respondent's website at the disputed domain name offers for sale the same types of United States western cowboy shoes, clothing and apparel that the Complainant sells at its own website.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

- There is little doubt that the disputed domain name is confusingly similar to the Complainant's BOOT BARN trademark because it fully incorporates the Complainant's trademark. The addition of the descriptive term "official" after the Complainant's trademark does not lessen the confusing similarity.
- The ".com" generic Top-Level Domain ("gTLD") used in connection with the disputed domain name does not alter the overall impression.
- The Respondent has no rights or legitimate interests in the disputed domain name as required under the Policy.
- The Respondent does not operate any legitimate business using the disputed domain name, and does not own any trademark rights in the Complainant's BOOT BARN trademark.
- The Respondent had notice of the Complainant's trademark prior to registering the disputed domain name.
- The Respondent received no authorization from the Complainant to use its trademark.
- The Respondent is operating a website that offers for sale goods that are comparable to those of the Complainant.
- The Respondent is not making a noncommercial or fair use of the disputed domain name.
- The Respondent in bad faith seeks to reap the financial benefits of confusion among consumers by diverting traffic from the Complainant's website.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i) - (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant shows that:

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

A. Identical or Confusingly Similar

The Complainant has exhibited a copy of its United States BOOT BARN trademark registration. The Panel finds this proves the Complainant has trademark rights for standing under the Policy. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.2.1.

As the Complainant contends, the Panel finds that the disputed domain name incorporates the Complainant's entire two-word trademark, and therefore is confusingly similar to that trademark. [WIPO Overview 3.1](#), section 1.7. See *Future Motion, Inc. v. Super Privacy Service LTD c/o Dynadot/nnin17nnin17*, WIPO Case No. [D2022-0230](#), where the Panel found that a disputed domain name that incorporates a mark is apt to be confusingly similar to the mark.

The Complainant is correct when it contends that the gTLD ".com" should not be considered when analyzing for identity or confusing similarity under the Policy. [WIPO Overview 3.1](#), section 1.11.

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i) to show that the disputed domain name is identical or confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

Owing to the difficulty of proving a negative, the consensus of Policy Panels is that in the first instance it is sufficient for a complainant to make out a prima facie case that a respondent lacks rights or legitimate interests in a disputed domain name. Then the burden of production shifts to the respondent to come forward and show the respondent does have rights or legitimate interests in a disputed domain name. [WIPO Overview 3.1](#), section 2.1.

In our present case, the Complainant contends it has not given the Respondent authorization to use its trademark in the disputed domain name. The Complainant also has shown that the Respondent operates a website at the disputed domain name that purports to sell the same types of United States western boots and other clothing that the Complainant sells at its own website. The Panel finds this constitutes a prima facie case under the Policy. [WIPO Overview 3.1](#), section 2.1.

Being in default, the Respondent has not come forward with evidence to rebut the Complainant's contentions. However, the Panel will nonetheless examine the case record to see whether there might be evidence that the Respondent does have rights or legitimate interests in the disputed domain name as allowed under Policy paragraphs 4(c)(i), (ii) and (iii).

Under Policy paragraph 4(c)(i), the Respondent could show that it is using, or has made preparations to use, the disputed domain for a bona fide offering of goods or services. But that is not what the Respondent has been doing: instead, the Respondent has created a website that looks substantially like the Complainant's website, and that purports to offer for sale substantially the same goods. This type of passing off could never be a basis for rights or legitimate interests under the Policy. [WIPO Overview 3.1](#), section 2.13.1.

Similarly, there is no evidence in the case record that the Respondent was ever commonly known by the disputed domain name per Policy paragraph 4(c)(ii), nor is there any evidence that the Respondent has been using the disputed domain name for a noncommercial or a fair use per Policy paragraph 4(c)(iii).

Therefore, the Panel finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii) to show that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) offers four non-exclusive circumstances under which a Respondent may be found to have registered and to be using a disputed domain name in bad faith. In the present case, the Respondent has violated the provisions of Policy paragraph 4(b)(iv) in that it has deliberately registered a domain name confusingly similar to the Complainant's trademark in order to attract the Internet public for financial gain.

We can be sure the Respondent had the Complainant in mind when registering the disputed domain name because the Respondent also substantially copied the Complainant's website "look and feel" and purports to sell the same goods as the Complainant. This equates to the Respondent passing off its self-termed "official" website and goods as the Complainant's. [WIPO Overview 3.1](#), section 3.4.

Thus, the Panel finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii) to show that the Respondent registered and is using the disputed domain name in bad faith.

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 <bootbarnofficial.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: March 11, 2026