

ADMINISTRATIVE PANEL DECISION

Cookie Cutters Franchising Inc. v. Scott Sharkey, Sharkey's Franchising Co., LLC

Case No. D2026-0721

1. The Parties

The Complainant is Cookie Cutters Franchising Inc., United States of America ("United States"), represented by Kirton McConkie PC, United States.

The Respondent is Scott Sharkey, Sharkey's Franchising Co., LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <cookiecutterhaircuts.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 February 19, 2026. On February 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 2026, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 23, 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 amendment to the Complaint on February 24, 2026.

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 February 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 20, 2026.

The Center appointed Steven Auvil as the sole panelist in this matter on March 26, 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 franchisor of children's hair salons operating under the COOKIE CUTTERS brand. The Complainant operates a nationwide franchise system with locations throughout the United States and Canada, and maintains a strong online presence, including a store locator website.

The Complainant and its predecessors have used the COOKIE CUTTERS mark in commerce since at least 2001. The Complainant owns multiple trademark registrations for the COOKIE CUTTERS mark, including United States Trademark Registration No. 5064110, registered on October 18, 2016.

The disputed domain name was created on January 18, 2018. According to the Complaint, the disputed domain name has been used to redirect Internet users to an online booking platform associated with Sharkey's Cuts for Kids, a competing children's hair salon franchise operated by the Respondent. The redirection facilitates booking appointments at the Respondent's salons.

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.

The Complainant first contends that the disputed domain name is confusingly similar to its COOKIE CUTTERS mark, differing only by the omission of the final "s" and the addition of the descriptive term "haircuts."

Second, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name and is not commonly known by it.

Finally, the Complainant contended that the Respondent registered and is using the disputed domain name in bad faith by intentionally diverting consumers seeking the Complainant's services to the Respondent's competing business, for commercial gain.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has established rights in the COOKIE CUTTERS mark through valid United States trademark registration. [WIPO Overview 3.1](#), section 1.2.1.

As set forth in [WIPO Overview 3.1](#), 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 3.1](#), section 1.8.

Here, the Panel finds the COOKIE CUTTERS mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant's mark, differing only by the omission of the final "s" and the addition of the descriptive term "haircuts." Such minor variations do not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.8.

Additionally, as set forth in section 1.11.1 of the [WIPO Overview 3.1](#), 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. Therefore, the gTLD ".com" is disregarded for purposes of comparison.

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 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.

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.

None of the circumstances that would demonstrate rights or legitimate interests of the Respondent in the disputed domain name are evident in the record. For example, the Respondent does not appear to be commonly known by the name “Cookie Cutters,” and the Complainant has not authorized or licensed its COOKIE CUTTERS mark to the Respondent use in any capacity. In fact, the evidence suggests that the Respondent used the disputed domain name to redirect unsuspecting consumers to its own competing website. A respondent’s use of a complainant’s mark to redirect users to a competing site does not support a claim to rights or legitimate interests under the Policy. [WIPO Overview 3.1](#), section 2.5.3.

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 paragraph 4(c) of the Policy or otherwise.

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.

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. Evidence of bad faith includes “by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.” Policy, paragraph 4(b)(iv).

Further, panels have held that both redirecting the disputed domain name to a different respondent-owned website and redirecting the disputed domain name to a competitor of the complainant’s website constitutes bad faith. [WIPO Overview 3.1](#), section 3.1.4; see also *Labrador II, Inc. v. Viva La Pets Inc.*, WIPO Case No. [D2016-0010](#).

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy based on the totality of circumstances.

The Panel concludes that the Respondent registered a domain name confusingly similar to the Complainant’s established COOKIE CUTTERS mark to intentionally create a likelihood of confusion for commercial gain. The Respondent operates a directly competing children’s hair salon business and

therefore was likely aware of the Complainant and its trademark at the time of registration. By registering and using the disputed domain name to redirect consumers to the Respondent's competing services, the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement. Such conduct falls squarely within paragraph 4(b)(iv) of the Policy and constitutes clear evidence of bad faith registration and use.

The Panel therefore 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 <cookiecutterhaircuts.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: April 9, 2026