

ADMINISTRATIVE PANEL DECISION

Starbucks Corporation v. Stephen Scapelliti, Stephen Scapelliti, Esq.
Case No. D2026-1036

1. The Parties

The Complainant is Starbucks Corporation, United States of America (“United States” or “U.S.”), represented by Focal PLLC, United States.

The Respondent is Stephen Scapelliti, Stephen Scapelliti, Esq., United States.

2. The Domain Name and Registrar

The disputed domain name <starbucks.click> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 10, 2026. On March 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 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 (The RDAP server redacted the value, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 16, 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 March 20, 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 March 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 12, 2026. On April 11, 2026, the Respondent requested a four calendar day extension for Response under paragraph 5(b) of the Rules. Accordingly, the due date for the response was extended to April 16, 2026. The Response was filed with the Center on April 16, 2026.

The Center appointed William F. Hamilton as the sole panelist in this matter on April 27, 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 one of the world's most recognized consumer brands, operating approximately 34,948 retail coffee stores in 84 markets worldwide. The Complainant has used the STARBUCKS mark (sometimes referred to herein as the "Mark") continuously since the opening of its first store in 1971 and currently owns 1,942 trademark registrations for the Mark in 182 jurisdictions, including longstanding U.S. registrations dating to 1985 (for example, U.S. Registration No. 1,372,630 for STARBUCKS dated November 26, 1985; U.S. Registration No. 1,452,359 for STARBUCKS dated August 11, 1987). The Mark is arbitrary and fanciful, and its global fame is beyond dispute.

The disputed domain name was registered by the Respondent on November 26, 2020. The Respondent is a licensed attorney in the State of Michigan, U.S., who represents himself as a volunteer with an underfunded nonprofit software development organization.

The disputed domain name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to its STARBUCKS mark, as it incorporates the mark in its entirety with the addition only of the generic top-level domain ".click". The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name, having never been licensed or authorized to use the Mark, having no connection to or not being commonly known under the STARBUCKS name, and making no bona fide use of the disputed domain name. The Complainant contends that the disputed domain name was registered and is being used in bad faith, pointing to the global fame of the Mark, the Respondent's constructive and actual knowledge of the Mark at the time of registration, and the Respondent's passive holding of the disputed domain name without any plausible legitimate purpose.

B. Respondent

The Respondent does not dispute the procedural basis for this proceeding or the Complainant's trademark rights. The Respondent contends, however, that the disputed domain name is not confusingly similar to the Mark because no commercial use of the disputed domain name has occurred and none is intended. The Respondent claims he registered the disputed domain name for use as a private developer "sandbox" to provide a "non-public" testing environment through which volunteer software developers associated with a nonprofit organization could build and test applications prior to deployment. The Respondent asserts that the disputed domain name was selected as an inexpensive and available address, that the name itself was inconsequential to its intended use, and that no contact has ever been made with the Complainant or any third party regarding the sale or transfer of the disputed domain name. The Respondent further argues that the Complainant unreasonably delayed in asserting its rights, having failed to act for nearly six years following the Respondent's registration of the disputed domain name, and that trademark infringement law requires commercial use as a predicate, which is absent here. The Respondent requests that the Panel deny the Complaint.

6. Discussion and Findings

To succeed under the Policy, the Complainant must establish three elements under paragraph 4(a):

- (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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant's rights in the Mark are firmly established by decades of continuous use and by extensive trademark registrations in the United States and around the world, the earliest of which predate the Respondent's registration of the disputed domain name by more than three decades.

The disputed domain name reproduces the Mark in its entirety. Under the Policy, the applicable Top-Level Domain ("TLD") is generally disregarded in the confusing similarity assessment. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.11. The addition of the ".click" TLD does not prevent a finding of confusing similarity between the disputed domain name and the Mark. Where a domain name incorporates a complainant's trademark in its entirety, confusing similarity is established. See *Nikon, Inc. and Nikon Corporation v. Technilab, Inc.*, WIPO Case No. [D2000-1774](#).

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 that a respondent lacks rights or legitimate interests in a domain name may entail the difficult task of "proving a negative", requiring information that is often primarily within the respondent's knowledge or control. 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.

The Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has never licensed or otherwise authorized the Respondent to use the Mark in any form. The Respondent has no apparent connection to the STARBUCKS brand and has not been commonly known by the disputed domain name. The burden therefore shifts to the Respondent to come forward with concrete evidence of a legitimate interest. See [WIPO Overview 3.1](#), section 2.1.

The Respondent's basis for claiming a legitimate interest is his assertion that the domain was acquired as a private developer sandbox for volunteers at a nonprofit software organization. The Panel does not find this claim persuasive. It is unsupported by any corroborating evidence. The Respondent has submitted no organizational records, no project documentation, no technical logs, and no communications with any co-volunteer. The disputed domain name has been passively held for more than five years, with no functional website and no visible technical activity consistent with active development use. Passive holding of a domain name incorporating a well-known trademark, without more, does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

Moreover, and most tellingly, the Respondent offers no explanation for why the Mark specifically was necessary or appropriate for this purpose. A developer sandbox requires no particular domain name. Any available string would serve the function equally well. The deliberate selection of a globally famous trademark as the address for a claimed private noncommercial workspace is not consistent with the narrative the Respondent advances and undermines his assertion that the name itself was inconsequential to him.

The Panel also notes that nature of the disputed domain name carries a high risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name was registered and is being used in bad faith.

The Mark is among the most widely recognized trademarks in the world. It is arbitrary, fanciful, and exclusively associated with the Complainant. It is inconceivable that the Respondent, a practicing attorney, was unaware of the Mark when he registered the disputed domain name in November 2020, nearly fifty years after the Complainant first used the Mark and decades after it achieved worldwide fame.

Registration of a domain name that wholly incorporates a famous mark, with no plausible legitimate purpose, constitutes opportunistic bad faith. The Respondent argues that no commercial use of the disputed domain name has occurred and that trademark infringement law requires such use as a predicate. This argument confuses U.S. federal trademark infringement doctrine with the distinct inquiry under the UDRP. The Policy does not require active commercial use as a condition for a finding of bad faith. To the contrary, panels have consistently held, from the earliest days of the UDRP, that passive holding, non-use of a domain name incorporating a famous mark, can itself constitute bad faith registration and use when the totality of circumstances so indicates. See [WIPO Overview 3.1](#), section 3.3.

The relevant factors all point in one direction. The Mark is highly distinctive and globally famous. The disputed domain name incorporates the Mark in full. The Respondent has provided no credible evidence of any actual or contemplated good-faith use. The domain has been passively held for over five years with no functional content. The Respondent initially concealed his identity through a privacy service. Under these circumstances, the Panel can conceive of no plausible good faith use to which the disputed domain name could be put. The passive holding doctrine applies with full force.

The Panel also notes, with respect to the Respondent's sandbox explanation, that this narrative does not withstand scrutiny. As discussed under the second element, the selection of a globally famous trademark as a private developer workspace address admits of no reasonable innocent explanation. The more plausible inference, drawn from the totality of the circumstances, is that the Respondent registered the domain with awareness of the Mark and with an eye toward its potential value, whether by eventual sale to the Complainant or otherwise.

The Respondent's laches argument is not cognizable under the UDRP. Panels have consistently declined to apply laches as a defense, and the passage of time between registration and the filing of a complaint does not diminish the merits of a well-founded claim. See [WIPO Overview 3.1](#), section 4.17.

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 <starbucks.click> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: May 11, 2026