

## **ADMINISTRATIVE PANEL DECISION**

Build-A-Bear Workshop, Inc. v. Xu Jingbai  
Case No. D2026-1219

### **1. The Parties**

The Complainant is Build-A-Bear Workshop, Inc., United States of America (the “United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Xu Jingbai, China.

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

The disputed domain name <buildabearsu.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2026. On March 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 23, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 14, 2026.

The Center appointed Alfred Meijboom as the sole panelist in this matter on April 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 offers a teddy bear themed retail chain that offers its customers the opportunity to create their personalized stuffed animals through the stores' interactive bear-making stations. The Complainant opened its first store in 1997, and the Complainant currently maintained 368 retail store locations in the United States, Canada, the United Kingdom, and Ireland with 1,000 full time employees and 3,550 regular part-time employees across these locations and its franchise locations in Europe, Asia, Australia, Africa, and the Middle East. The Complainant's revenue was USD 496 million in fiscal year 2024.

The Complainant owns trademark registrations for BUILD-A-BEAR in various jurisdictions, including:

- European Union trademark with registration number 004872479 of October 10, 2007 for goods and services in classes 28 and 35; and
- Chinese trademark with registration number 18153358 of December 7, 2016 for goods in class 3.

In addition, the Complainant also maintains a strong internet and retail presence through its primary website at "www.buildabear.com" with 3.1 million individual visits in January 2026, and the Complainant is the owner of more than 200 domain names containing the term "build a bear".

The disputed domain name was registered on January 13, 2026. The disputed domain name resolved to a website which displayed the Complainant's BUILD-A-BEAR trademarks and logo, used the Complainant's product images and purportedly offered the Complainant's BUILD-A-BEAR marked products for sale at a substantially discounted price. Allegedly after an enforcement takedown action by the Complainant's agents (for which the Complainant did not provide any evidence), the disputed domain name currently resolves to a website that displays "This site can't be reached".

#### 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 contends that the disputed domain name is confusingly similar to its BUILD-A-BEAR trademarks, as it identically adopts the BUILD-A-BEAR trademark without hyphens, while the addition of the generic term "su" does not prevent a finding of confusing similarity between the disputed domain name and the BUILD-A-BEAR trademarks.

The Complainant contends that the Respondent lacks a right or legitimate interest in the disputed domain name because the Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant has not given the Respondent permission to use the Complainant's trademarks in any manner, including in domain names, and the Respondent is also not commonly known by the disputed domain name. The Complainant further alleges that the Respondent is not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the disputed domain name as the Complainant's logo was included on the website under the disputed domain name, which the Complainant considers as a direct effort to take advantage of the fame and goodwill that the Complainant has built in its BUILD-A-BEAR brand, and the Respondent is not only using the confusingly similar disputed domain name, but is also imitating the Complainant by displaying the Complainant's logo on the website. The sale of the Complainant's products on the website provided under the disputed domain name does not meet the criteria set forth in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), (the "Oki Data criteria"). The Complainant further contends that the Respondent is currently using the disputed domain name to redirect internet users to a website that resolves to a blank page and lacks content.

According to the Complainant, the Respondent has demonstrated a knowledge of and familiarity with Complainant's BUILD-A-BEAR brand and business and the Respondent's resolving website was imitating the Complainant by copying the BUILD-A-BEAR logo and selling Complainant's BUILD-A-BEAR branded goods. In light of these facts the Complainant considers it not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's BUILD-A-BEAR trademarks at the time the disputed domain name was registered. The Complainant further contends that the Respondent created a likelihood of confusion with the Complainant and its BUILD-A-BEAR trademarks by incorporating the BUILD-A-BEAR trademark in its entirety with additional term "su" in the disputed domain name and copying the Complainant's logo and color scheme on the disputed domain name's website, with the Respondent then attempting to profit from such confusion by selling the Complainant's branded goods, which cause consumer confusion in a nefarious attempt to profit from such confusion, which conduct constitutes bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Respondent did not file a Response. However, as set out in the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3, the consensus view of UDRP panels is that the respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default, paragraph 4(a) of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

### **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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Complainant's BUILD-A-BEAR trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here "su", may bear on assessment of the second and third elements, the Panel finds the addition of such term, just as the omission of the hyphens in the Complainant's trademark, do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 result in the often impossible 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. 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.

As the disputed domain name resolved to a website which offered the Complainant’s products for sale and for which the Complainant’s BUILD-A-BEAR trademarks, logo and product images are used, the Panel first needs to decide if the Respondent (could have) made a bona fide offering of goods via the disputed domain name and if the Oki Data criteria, which panels commonly apply in matters of resale, were met. Under this Oki Data test, the following cumulative requirements apply (see also [WIPO Overview 3.1](#), section 2.8):

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant’s relationship with the trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark, thus depriving the trademark owner of the ability to reflect its own mark in a domain name.

The evidence submitted by the Complainant shows that the Respondent’s website does not mention its relationship with the Complainant, but instead suggests a connection with the Complainant through the prominent use of the Complainant’s BUILD-A-BEAR trademarks and logo, the use of the Complainant’s product images, and the fact that, according to Annex 3.2 which was submitted by the Complainant, the Respondent’s website provides contact details which are neither those of the Respondent according to the Whois register nor those of the Complainant, from which the Panel infers that this information is false. The Panel is therefore satisfied that the Respondent failed the Oki Data test.

The Respondent therefore used the disputed domain name without the Complainant’s consent, offering the Complainant’s products without its permission, and using the Complainant’s trademark and product images without authorization, with the clear intention of profiting from the reputation and goodwill of the BUILD-A-BEAR trademarks. The fact that the website was apparently taken offline following enforcement takedown action by the Complainant’s agents does not change the situation.

The Panel is therefore satisfied that the disputed domain name is not being used for a bona fide offering of goods, and the Respondent lacks rights or legitimate interests in the disputed domain name.

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 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.

The Complainant has demonstrated that it registered its BUILD-A-BEAR trademark in China, where the Respondent apparently resides, nearly ten years prior to the Respondent's registration of the disputed domain name, and that after registration, the disputed domain name directed to a website where products of the Complainant's BUILD-A-BEAR trademark were purportedly offered for sale. The Panel infers from this, in the absence of any explanation from the Respondent, that the Respondent must have registered the disputed domain name because it was aware of the BUILD-A-BEAR trademark. Consequently, the Panel is satisfied that the disputed domain name was registered in bad faith.

Further, the Panel is satisfied that the Respondent's use of the disputed domain name in connection to the offering for sale of the Complainant's BUILD-A-BEAR products, without accurately and prominently disclosing the Respondent's relationship with the Complainant, and likely providing false contact information, constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the BUILD-A-BEAR trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products offered on the Respondent's website. Under these circumstances, the fact that the disputed domain name does not currently resolve to an active website does not result in a different finding. The Panel is therefore satisfied that the Complainant showed that the Respondent used the disputed domain name in bad faith as meant in paragraph 4(b)(iv) of the Policy

The Panel therefore finds that the third element of the Policy has also 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 <buildabearsu.com> be transferred to the Complainant.

*/Alfred Meijboom/*

**Alfred Meijboom**

Sole Panelist

Date: April 21, 2026