

ADMINISTRATIVE PANEL DECISION

Boston Scally Holdings, LLC v. Dillon Young, Dillon Young
Case No. D2026-1319

1. The Parties

The Complainant is Boston Scally Holdings, LLC, United States of America ("United States"), represented by Marq Vision Inc., United States.

The Respondent is Dillon Young, Dillon Young, United States.

2. The Domain Name and Registrar

The disputed domain name <bostonscaly.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 March 27, 2026. On March 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 30, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 31, 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 April 7, 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 April 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 8, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on May 21, 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 known for its distinctive apparel brand, “Boston Scally Co.” The brand is well known for its high-quality headwear, particularly its signature scally caps, which combine traditional craftsmanship with modern design. The Complainant has gained substantial popularity among consumers and has established a strong reputation through consistent product quality, distinctive branding, and an active online and retail presence.

The Complainant owns the following registered trademarks through the United States Patent and Trademark Office (“USPTO”) : BOSTON SCALLY CO. (word mark), United States Registration No. 4,838,603; registered on October 20, 2015, in International Class 25; and BOSTON SCALLY CO. (stylized mark), United States Registration No. 4,910,252, registered on March 1, 2016, in International Class 25 (hereinafter collectively referred to as the “BOSTON SCALLY CO. Mark”).

The Complainant owns the domain name <bostonscally.com>, which resolves to its official website at “www.bostonscally.com”, through which the Complainant actively promotes its BOSTON SCALLY CO. Mark, as well as through other online and retail marketing channels.

The Disputed Domain Name was registered on January 8, 2026, and incorporates almost the entirety of the Complainant’s BOSTON SCALLY CO. Mark with a minor misspelling – the removal of one letter “l” in the term “scally”. In addition, the Disputed Domain Name omits the term “co.” of the BOSTON SCALLY CO. Mark. The Respondent’s resolving website resembles the Complainant’s official online store as the Respondent attempts to pass off as the Complainant and copy the Complainant’s official website, including prominently displaying the stylized BOSTON SCALLY CO. Mark in the upper lefthand corner of each webpage, and including highly similar product images to sell or pretend to sell BOSTON SCALLY CO.-branded headwear that is allegedly non-authentic. Moreover, the Disputed Domain Name’s resolving website includes the same layout and structure as does the Complainant’s official website, plus it contains commercial elements, such as free shipping on all orders, which promotion is not offered on the Complainant’s official website.

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 the BOSTON SCALLY CO. Mark because the Disputed Domain Name contains the Complainant’s trademark almost in its entirety, albeit with one less letter “l” in the term “scally” and the omission of the term “co.”, and then followed by the generic Top-Level Domain (“gTLD”) “.com”;
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, the Disputed Domain Name redirects to a website that passes off as the Complainant’s official website and offers BOSTON SCALLY CO.-branded goods that are purportedly non-genuine; and

- 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 Complainant's BOSTON SCALLY CO. Mark.

The Complainant seeks 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 Complainant's contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has 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 BOSTON SCALLY CO. Mark, differing only by the misspelling of the mark by removing the letter "l" in the term "scally" and omitting the term "co."

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

It is uncontroverted that the Complainant has established rights in the BOSTON SCALLY CO. Mark based on its years of use as well as its registered trademarks for the BOSTON SCALLY CO. Mark in the United States. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.1](#), "[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". The Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the BOSTON SCALLY CO. Mark.

The Disputed Domain Name consists of almost the entirety of the BOSTON SCALLY CO. Mark, albeit misspelled with only one letter "l" in the term "scally". In addition, the Disputed Domain Name omits the term "co." present in the trademark. Such minor modifications to a disputed domain name is commonly referred to as "typosquatting" and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of "scally" to "scaly" does not prevent a finding of confusing similarity to the BOSTON SCALLY CO. Mark. See [WIPO Overview 3.1](#), section 1.9: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element"; see also *Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. [D2008-1302](#); *Singapore*

Press Holdings Limited v. Leong Meng Yew, WIPO Case No. [D2009-1080](#). Moreover, the BOSTON SCALLY CO. Mark is recognizable within the Disputed Domain Name. See [WIPO Overview 3.1](#), section 1.8.

Finally, the addition of a gTLD such as “.com” in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a 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 Complainant’s BOSTON SCALLY CO. 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 Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant’s prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its BOSTON SCALLY CO. Mark. Nor does the Complainant 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).

The Disputed Domain Name redirects to a website displaying and promoting unauthorized goods bearing the BOSTON SCALLY CO. Mark, and thus, the Respondent does not have rights or legitimate interests in the Disputed Domain Name. When Internet users arrive at the Respondent’s website, they will find a site in which the Respondent attempts to pass off as the Complainant, purportedly offering (potentially counterfeit) headwear to customers, which headwear competes with that offered by the Complainant on its official website. The Panel thus determines that the Respondent is not making a bona fide offering of goods nor a legitimate noncommercial or fair use of the Disputed Domain Name but rather is using the Disputed Domain Name for commercial gain with the intent to mislead the Complainant’s customers into believing that they had arrived at the Complainant’s website. The Panel also determines that the use of the Disputed Domain Name to pass off as the Complainant to offer competing or potentially counterfeit goods does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.1](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for illegal activity (*e.g.*, the sale of counterfeit goods [...] passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”). Screenshots of the redirection of the Disputed Domain Name were submitted by the Complainant in Annexes to the Complaint to demonstrate the Respondent’s passing off of the Complainant and its BOSTON SCALLY CO. Mark.

In sum, the Panel finds that the Complainant has 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 Complainant has 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, here, passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitute bad faith under the Policy due to the Respondent's passing off of the Complainant's website to offer competing or purportedly counterfeit goods to unwitting customers.

The Respondent attempted to pass off as the Complainant by creating a highly similar website purportedly offering BOSTON SCALLY CO.-branded products for sale at discounted prices, demonstrating bad faith. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its BOSTON SCALLY CO. 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 BOSTON SCALLY CO. Mark on its website also indicates that the Respondent was aware of the Complainant and its headwear goods. 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 Complainant 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 Complainant's BOSTON SCALLY CO. Mark in mind when registering the Disputed Domain Name.

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 indicate that such registration and use had been done for the specific purpose of trading upon and targeting the name, mark, and goodwill of the Complainant. 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 Complainant's business. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). 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, operated by, sponsored by, or affiliated with the Complainant.

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 <bostonscaly.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: May 29, 2026