ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

FLRish IP, LLC v. Mary Gill, Olo

Case No. D2026-1436

1. The Parties

The Complainant is FLRish IP, LLC, United States of America, represented by Crown, LLP, United States of America.

The Respondent is Mary Gill, Olo, United States of America.

2. The Domain Name and Registrar

The disputed domain name <kingpenofficialstore.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 2, 2026. On April 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 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 / Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 9, 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 the same day.

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 April 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2026. The Respondent sent an email communication to the Center on April 23, 2026 expressing its willingness to settle. On April 29, 2026, the Complainant requested a suspension for settlement discussions, and the proceeding was therefore suspended on May 4, 2026. On June 3, the proceeding was reinstituted following the Complainant's request.

The Center appointed Gary Saposnik as the sole panelist in this matter on June 6, 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 California, United States of America limited liability company that is the intellectual property owner of a number of KINGPEN marks, and licenses the rights to use the marks to authorized cannabis manufacturers and distributors, pursuant to California's Medicinal and Adult-Use Cannabis Regulation and Safety Act. Since 2015, the Complainant and its predecessors have provided and continue to offer cannabis concentrates, cannabis vaporizers and cartridges, and cannabis pre-rolls under the KINGPEN mark. In conjunction with local distributors, the KINGPEN brand products are sold in over 50% of dispensaries and delivery services throughout California. The KINGPEN brand products have achieved sales of approximately 1.8 million units and USD 19.7 million in 2024, and nearly USD 100 million in revenue in the past seven years.

The Complainant is the owner of a number of trademark registrations for the KINGPEN trademark, including, United States of America Registration No. 6034123, registered April 14, 2020, in classes 3 and 5.

The disputed domain name was registered on April 21, 2022, and resolves to a webpage that prominently displays the KINGPEN mark in connection with the promotion and sale of what appears to be the Complainant's KINGPEN cannabis products.

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 identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The disputed domain name incorporates the Complainant's KINGPEN mark in its entirety. The addition of the descriptive terms "official" and "store" does not avoid or mitigate the confusing similarity between the trademark and disputed domain name but rather furthers the association in the public's mind between the Complainant and the disputed domain name.

The Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has prior rights in the KINGPEN trademark, and has not granted any license, consent or other right to the Respondent authorizing the Respondent to register the disputed domain name using the KINGPEN trademark. The Respondent is not commonly known by the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. Rather, the only plausible intent for registration of the disputed domain name appears to be for commercial gain to misleadingly divert consumers or to tarnish the Complainant's mark.

The Respondent has made no bona fide use of or demonstrable preparations to use the disputed domain name. Absent a license to operate a regulated state cannabis business, the Respondent has made no bona fide use. The Respondent is not licensed or authorized by California, United States of America or any other state to operate a commercial cannabis business. The Respondent's Terms and Conditions page claims to ship domestically and internationally, which is itself unlawful. The Respondent's illegal business practices, if incorrectly associated with the Complainant, have the potential to negatively impact the Complainant's licensed status in California.

The disputed domain name resolves to a webpage that displays the KINGPEN mark in connection with the promotion and sale of what appears to be the Complainant's KINGPEN cannabis products. The offering of such products is being made with the intention to deceive consumers into mistakenly thinking they are purchasing the Complainant's legitimately authorized goods, with such impersonation being for fraudulent purposes.

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The Respondent was aware of the Complainant's trademarks when it registered the disputed domain name, as the Respondent is publicly claiming that it is associated with the Complainant's business and KINGPEN cannabis products. The Respondent is intentionally attempting to mislead the public and attract Internet users to the Respondent's website for commercial gain by leveraging the Complainant's goodwill, and in doing so, creating a likelihood of confusion with the Complainant's mark.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. However, the Respondent filed an informal email agreeing to a transfer of the disputed domain name and requesting a domain transfer authorization code. The transfer between the Parties did not occur during the suspension of the proceeding, and the proceeding was reinstituted, without any additional response by the Respondent.

6. Discussion and Findings

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 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 entirety of the KINGPEN mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "official" and "store", may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 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. 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.

The Complainant's evidence reflects its prior rights in the KINGPEN trademark. The Complainant has not granted any license, consent or other right to the Respondent authorizing the Respondent to register the disputed domain name using the KINGPEN trademark. The Respondent does not appear to be commonly known by the disputed domain name, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. Rather, the Complainant has presented evidence that the disputed domain name resolves to a webpage that displays the KINGPEN mark in connection with the promotion and sale of what appears to be the Complainant's KINGPEN cannabis products, while passing itself off as the Complainant. The passing off is further amplified by the nature of the disputed domain name stating that it is the "Official Store".

Panels have held that the use of a domain name for illegitimate or illegal activity, here, claimed as copycat sites, passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. See also *FLRish IP, LLC v. John A. Anderson, Dreamers Designs*, WIPO Case No. D2025-4321 (<kingpenofficialstore.net>); *FLRish IP, LLC v. Ivan Filippov*, WIPO Case No. D2025-4320 (<kingpenofficial.com>).

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name a number of years after the Complainant attained trademark rights in its KINGPEN mark. The Respondent used the disputed domain name to resolve to a website purporting to sell cannabis products that prominently display the Complainant's stylized mark and logo. The use on the website clearly shows an intent to target the Complainant's mark, and an intentional attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or of a product or service on the website. See *FLRish IP, LLC v. John A. Anderson, Dreamers Designs*; *FLRish IP, LLC v. Ivan Filippov*, supra.

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. These additional bad faith considerations include any respondent pattern of targeting marks along with a range of factors, such as a common area of commerce. A search by the Panel of prior decisions reveals that the Respondent was found to have attempted a similar scheme of targeting a cannabis related mark through its use at a website where it passed themselves off as the Complainant. See *NEWHERE, INC. v. Mary Gill/Olo*, NAF Claim No. FA2306002047209.

Panels have held that the use of a domain name for illegitimate or illegal activity, here, claimed as copycat sites, passing off, or other types of fraud, 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 constitutes bad faith under the Policy.

The Panel 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 <kingpenofficialstore.com> be transferred to the Complainant.

/Gary Saposnik/
Gary Saposnik
Sole Panelist
Date: June 19, 2026