

ADMINISTRATIVE PANEL DECISION

Curio Brands, LLC, The Thymes, LLC v. Retha Wassermann
Case No. D2026-1515

1. The Parties

The first complainant is Curio Brands, LLC, United States of America (“United States”) (the “First Complainant”). The second complainant is The Thymes, LLC, United States (the “Second Complainant”; collectively with the First Complainant, the “Complainants”, and each a “Complainant”). The Complainants are represented by Fredrikson & Byron, PA, United States.

The Respondent is Retha Wassermann, United States.

2. The Domain Name and Registrar

The disputed domain name <thymiessus.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2026. On April 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 13, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 13, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on April 16, 2026.

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 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 Peter J. Dernbach as the sole panelist in this matter on May 18, 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 First Complainant is a United States company specialized in the manufacture and retail sale of candles, bath and body products, cleaning products, and home fragrances. The First Complainant is the owner of numerous trademark registrations for the THYMES mark, including the following (the "First Complainant's THYMES Trademarks"):

- European Union Trademark No. 013201546 for THYMES, registered on December 11, 2014; and
- United Kingdom Trademark No. UK00913201546 for THYMES, registered on December 11, 2014.

The Second Complainant is a wholly owned subsidiary of the First Complainant and the owner of numerous trademark registrations for the THYMES and related marks, including the following (the "Second Complainant's THYMES Trademark"):

- United States Trademark Registration No. 3288716 for THYMES, registered on September 4, 2007.

The Complainants' trademark registrations of the THYMES marks listed above are collectively referred to as the "THYMES Trademarks".

The Complainants assert that the Complainants registered the domain name <thymes.com> on February 2, 1996. The relevant WHOIS information revealed <thymes.com> to be registered on February 11, 1996.

The Disputed Domain Name <thymiessus.com> was registered on March 13, 2026. The Complainants submitted a screenshot showing that the Disputed Domain Name previously resolved to a website that copied the design elements of the Complainants' website, allegedly at the domain name <thymes.com>. As of the filing date of the amended Complaint, the Disputed Domain Name did not resolve to any active website.

5. Parties' Contentions

A. Complainants

The Complainants request that the Disputed Domain Name be transferred to the First Complainant. The Complainants contend that they have satisfied each of the elements required under paragraph 4(a) of the Policy, summarized as follows:

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights.

The Complainants contend that they have rights in the THYMES Trademarks, since they or their predecessors have used THYMES since at least as early as 2005, and they own United States and international trademark registrations for the THYMES mark and logo. Furthermore, they have registered the domain name <thymes.com> since 1996.

The Complainants argue that the Disputed Domain Name <thymiessus.com> is confusingly similar to the Complainants' THYMES Trademarks, as the Disputed Domain Name incorporates THYMES in full, with the addition of an extra "i" and "s" to THYMES and "us" at the end. The addition of these elements does not

prevent the finding of confusing similarity between the Disputed Domain Name and the THYMES Trademarks.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainants assert that the Respondent has no rights or legitimate interests in the Disputed Domain Name, as the Disputed Domain Name promotes or suggests a connection or relationship between the Complainants and the Respondent where none exists. The Complainants state that they have never authorized the Respondent to register or use the Disputed Domain Name or to provide any goods or services for the Complainants, and there is no connection or relationship of any kind between the Complainants and the Respondent. Therefore, the Respondent's registration of the Complainants' THYMES mark in the Disputed Domain Name does not constitute bona fide use.

(iii) The Disputed Domain Name has been registered and is being used in bad faith.

The Complainants contend that the Disputed Domain Name was registered and is being used in bad faith because the Respondent, by using the Disputed Domain Name and creating a likelihood of confusion with the THYMES Trademarks, has intentionally attempted to attract visitors to its website for commercial gain or is seeking to disrupt the Complainants' business. In addition, the Disputed Domain Name previously resolved to a website showing that the Respondent has used the Complainants' THYMES Trademarks and copied the design elements of the Complainants' website, allegedly at the domain name <thymes.com>, in an attempt to impersonate the Complainants and sell counterfeit goods. Moreover, the Respondent was linked to several prior UDRP proceedings involving domain names using the THYMES Trademarks to impersonate the Complainants. Based on the above, the Complainants argue that the Disputed Domain Name was registered and used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1. Multiple Complainants

The Second Complainant is a wholly owned subsidiary of the First Complainant. The First Complainant is the registered owner of the First Complainant's THYMES Trademarks, and the Second Complainant is the registered owner of the Second Complainant's THYMES Trademark. The Panel finds that the Complainants have a specific common grievance against the Respondent as they have a common legal interest in the trademark rights on which this Complaint is based, and it is equitable and procedurally efficient to permit the consolidation of their complaints.

6.2. Substantive Issues

In accordance with paragraph 4(a) of the Policy, in order to succeed in this administrative proceeding and obtain the requested remedy (in this case, transfer of the Disputed Domain Name), the Complainants must prove that each of the three following elements is present:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (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 hreshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainants' trademark and the Disputed Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Panel finds that the Complainants have established that they have rights in the THYMES Trademarks through showing their registrations in jurisdictions including the United States, the European Union, and the United Kingdom.

The Panel also finds the Disputed Domain Name confusingly similar to the Complainants' THYMES Trademarks, as the Disputed Domain Name incorporates the THYMES mark in its entirety. [WIPO Overview 3.1](#), section 1.7. The addition of an extra "i" and "s" to THYMES and "us" at the end of the Disputed Domain Name does not prevent a finding of confusing similarity between the Disputed Domain Name and the THYMES Trademarks for the purposes of the first element 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

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.

The Panel notes that, for the purposes of paragraph 4(a)(ii) of the Policy, paragraph 4(c) of the Policy establishes circumstances which, without limitation, if found by the Panel to be present, shall demonstrate that the Respondent has rights to, or legitimate interests in, the Disputed Domain Name.

In the present case, the Complainants assert that they have no connection or affiliation with the Respondent. The Complainants also state that they have never authorized the Respondent to register or use the Disputed Domain Name or to provide any goods or services for the Complainants. Furthermore, there is no evidence suggesting that the Respondent - whose name is Retha Wassermann, as revealed by the Registrar - is commonly known by the Disputed Domain Name.

In addition, the Panel did not find any evidence to suggest the Respondent's use or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services prior to any notice of the dispute. To the contrary, the Complainants submitted a screenshot showing that as of April 3, 2026, the Disputed Domain Name resolved to a website that copied the design elements of <thymes.com>, which the Complainants claimed as their registered domain name, in an apparent attempt to impersonate the Complainants and sell counterfeit goods. Such use does not constitute a legitimate noncommercial or fair use of the Disputed Domain Name.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The Respondent has not rebutted the Complainants' 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 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.

Regarding registration, the Panel notes that the Complainants' THYMES Trademarks have been registered and used long before the Disputed Domain Name. In addition, the Complainants provided evidence showing that the Respondent has essentially copied the look of the Complainants' website <thymes.com>, including images of the Complainants' goods, product text, and numerous trademarks registered and owned by the Complainants. The Panel finds that the Respondent either knew of or should have known of the Complainants' THYMES Trademarks and their use associated with the Complainants' business at the time it registered the Disputed Domain Name. Therefore, the Panel finds that the Disputed Domain Name has been registered in bad faith.

Regarding use, as mentioned, the Complainants provided evidence showing that the Disputed Domain Name resolved to a website that impersonated the Complainants' website and allegedly sold counterfeit goods. Such use shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Disputed Domain Name, by creating a likelihood of confusion with the Complainants' THYMES Trademarks as to the source or affiliation. In addition, the Respondent is linked to several prior UDRP proceedings involving domain names using the THYMES Trademarks to impersonate the First Complainant, and previous panels have ordered transfer to the First Complainant. See *Curio Brands, LLC v. Retha Wassermann*, WIPO Case No. [D2025-4006](#); *Curio Brands, LLC v. Retha Wassermann*, WIPO Case No. [D2025-5371](#). It is clear that the Respondent has engaged in a pattern of bad faith conduct.

While the Disputed Domain Name no longer resolves to any active website, the current passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy. Therefore, the Panel finds that the Disputed Domain Name has been used in bad faith.

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 <thymiessus.com> be transferred to the First Complainant.

/Peter J. Dernbach/

Peter J. Dernbach

Sole Panelist

Date: May 29, 2026