

ADMINISTRATIVE PANEL DECISION

Scentbird Inc. v. Maci Woyat, Maci Woyat
Case No. D2026-1638

1. The Parties

The Complainant is Scentbird Inc., United States of America ("United States"), represented by Cole-Frieman & Mallon, LLP, United States.

The Respondent is Maci Woyat, Maci Woyat, United States.

2. The Domain Name and Registrar

The disputed domain name <dirfts.com> 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 April 16, 2026. On April 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 20, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 20, 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 April 24, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 18, 2026.

The Center appointed Joseph Simone as the sole panelist in this matter on May 22, 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, Scentbird Inc., is a United States-based subscription service for designer fragrances founded in 2013. The Complainant offers car and home scent products under the brand name “DRIFT”, through its primary website at “www.scentbird.com/brand/drift” and other channels.

The Complainant has registered the domain name <scentbird.com> since July 22, 2013, under which it maintains this website. The Complainant also owns the domain name <drift.co>.

The Complainant has a portfolio of trade mark registrations for DRIFT marks, including the following:

- United States Trade Mark Registration No. 6321131 for DRIFT in Class 5, registered on April 13, 2021;
- United States Trade Mark Registration No. 6332127 for DRIFT in Classes 5, and 35, registered on April 27, 2021; and
- United States Trade Mark Registration No. 7931659 for DRIFT in Classes 3, 4, and 35, registered on September 2, 2025.

The disputed domain name was registered on April 7, 2026. The Complainant has submitted evidence showing that the disputed domain name has been used in connection with a website that purports to be the Complainant’s online store and that advertises and sells fragrance products using the DRIFT brand and incorporates graphics copied from the Complainant’s primary website. At the time of this Decision, the disputed domain name continued to resolve to the same 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 registered by the Respondent is confusingly similar to the Complainant’s DRIFT marks.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, as the Complainant has never authorized or licensed the Respondent to use the DRIFT marks in any manner and no relationship exists between the Parties. The Complainant also asserts that the Respondent’s use of the DRIFT marks in the disputed domain name misleadingly diverts consumers by creating initial interest confusion as to the source or endorsement of the website.

The Complainant further contends that there is no plausible explanation for the Respondent’s incorporation of the DRIFT marks into the disputed domain name. The Complainant argues that the Respondent’s use of the disputed domain name to attract Internet users for commercial gain, combined with deliberate impersonation of the Complainant, can only be indicative of bad faith registration and use.

B. Respondent

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

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

The Panel acknowledges that the Complainant has established rights in the DRIFT trade marks. [WIPO Overview 3.1](#), section 1.2.1.

Disregarding the generic Top-Level Domain ("gTLD") ".com", the disputed domain name differs from the Complainant's DRIFT marks only by the transposition of the second and third characters and the addition of the letter "s" at the end. As discussed in the [WIPO Overview 3.1](#), section 1.9, a domain name which consists of a common, obvious, or intentional misspelling of a trade mark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This type of typosquatting, specifically the addition or interspersing of letters, has been consistently found by panels to render domain names confusingly similar to the marks which they mimic.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing their rights in the DRIFT trade mark and in showing that the disputed domain name is confusingly similar to their mark.

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 relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

In this case, the Complainant asserts that it has never authorized or licensed the Respondent to use the DRIFT marks in any manner and no relationship exists between the Parties. The Complainant further asserts that the Respondent's use of the DRIFT mark in the disputed domain name misleadingly diverts consumers as to the source or endorsement of the website. Having reviewed the available records, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain name.

According to the Complainant, the Respondent is not affiliated or connected with the Complainant in any manner, and the Complainant has not granted the Respondent any license or authorization to use or register a domain name confusingly similar to the Complainant's DRIFT trade marks.

The Respondent did not respond to the Complaint and did not provide any information or factors that could potentially establish prior rights or legitimate interests in the disputed domain name.

Under these circumstances, the Respondent's conduct in directing the disputed domain name to a website that purports to be the Complainant's online store (in particular, contains statements such as "Welcome to Drift, your dedicated destination for modern scent experiences" in the "About Us" section, and "[...] the terms 'we', 'us', and 'our' refer to Drift" in the Terms of Service), one that advertises and sells fragrance products under the DRIFT brand and incorporates graphics copied from the Complainant's primary website, supports the lack of legitimate or genuine use and indicates a clear intent to exploit the Complainant's marks for commercial gain through passing off, which can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Based on the foregoing as well as the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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.

In the present case, the Panel finds that the registration of the disputed domain name, which is confusingly similar to the Complainant's DRIFT trade marks, combined with the Respondent's use of the DRIFT mark as described above to offer fragrance products, indicates the Respondent's awareness of the Complainant and its trade mark rights. The Respondent has also used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users by directing such users to a website

purporting to be the Complainant's online store and incorporating graphics copied from the Complainant's primary website. There is no explanation from the Respondent as to its motive in developing and operating a website purporting to be that of the Complainant's official website, which consistently uses language such as "Welcome to Drift" and "global community of scent enthusiasts".

The only possible inference is that the Respondent has done so and used the disputed domain name for the Respondent's website with a view to misleading Internet users for commercial gain.

Such activities constitute bad faith acts for purposes of paragraph 4(b)(iv) 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 <dirfts.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: June 5, 2026