

ADMINISTRATIVE PANEL DECISION

Manic Panic N.Y.C., Inc. v. lar frank
Case No. D2026-1847

1. The Parties

The Complainant is Manic Panic N.Y.C., Inc., United States of America (“US”), represented by Tarter, Krinsky & Drogin, LLP, US.

The Respondent is lar frank, Philippines.

2. The Domain Name and Registrar

The disputed domain name <manicpanicusmall.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2026. On April 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 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 (Privacy User #ecd775a3, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 1, 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 May 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 26, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on June 1, 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 US company with global operations. The Complainant distributes, markets, and sells hair dye, hair care, and cosmetic products.

The Complainant has a pending trademark application for US Trademark No. 99423520 for MANIC PANIC word mark (filed October 1, 2025). The Complainant has also a pending trademark application for US Trademark No. 99626055 (accepted, under examination for registration) for MANIC PANIC LOVE COLOR combination mark (filed January 30, 2026). The Complainant is the owner of numerous other trademark registrations which it uses in relation to its various products.

Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, the Panel conducted an independent search and found that the Complainant is the owner of the US Trademark No. 6665593 for MANIC PANIC (registered March 8, 2022), and the US Trademark No. 4309106 for MANIC PANIC (registered March 26, 2013) (the "Trade Mark").

The Complainant operates the website at the <manicpanic.com> domain name.

The Respondent is an individual apparently located in the Philippines. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The disputed domain name was registered on April 9, 2026. The disputed domain name resolves to a website that replicates the Complainant's official website and advertises products for sale at reduced prices.

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 Trade Mark, as it contains the Trade Mark in its entirety.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not licensed the Respondent to use the disputed domain name. The Respondent has used the disputed domain name to operate a website that creates the impression that it is the Complainant's official website or at least endorsed by the Complainant. To the best of the Complainant's knowledge, the Respondent is not commonly known as "manicpanicusmall".
- The disputed domain name was registered and is being used in bad faith. The website at the disputed domain name uses several of the Complainant's trademarks (including the Trade Mark) in connection with what may be counterfeit goods, which the Respondent offers for sale on the website. The website also uses the design of the Complainant's website. The Respondent was no doubt aware of the Trade Mark and registered the disputed domain name in an attempt to attract, for commercial gain, Internet users to the Respondent's website by selling products displaying trademarks identical to the Complainant's trademarks.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

1. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
2. the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. the disputed domain name has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainant.

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 Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "us" and "mall") may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the Trade 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 has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent is commonly known by the disputed domain name.

The evidence provided by the Complainant indicates that the disputed domain name has been used to either: (a) impersonate the Complainant and its business; or (b) to create the incorrect impression that the Respondent is affiliated with the Complainant. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation or passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

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.

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 disputed domain name was clearly registered with knowledge of the Complainant and the Trade Mark, given the composition of the disputed domain name and the content of the website at the disputed domain name. This supports a finding that the Respondent has registered the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Trade Mark. [WIPO Overview 3.1](#), section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity (here, passing off and potentially sale of counterfeit goods) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

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 <manicpanicusmall.com> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: June 15, 2026