

ADMINISTRATIVE PANEL DECISION

Boll & Branch LLC v. lar frank
Case No. D2026-1969

1. The Parties

The Complainant is Boll & Branch LLC, United States of America (“United States” or “U.S.”), represented by Keating Muething & Klekamp PLL, United States.

The Respondent is lar frank, Philippines.

2. The Domain Name and Registrar

The disputed domain name <bollandbranchstore.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 May 6, 2026. On May 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 7, 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 (User #19656687 Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 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 15, 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 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 16, 2026.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on June 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, based in the United States, is an internationally recognized luxury textile company. Founded in 2014, the Complainant offers high-quality luxury bedding products and apparel, including robes and sleepwear.

The Complainant is the owner of numerous trademark registrations incorporating the mark BOLL & BRANCH, including, inter alia:

- United States trademark registration BOLL & BRANCH (word), No. 4769218, registered on July 7, 2015, in class 24;

- United States trademark registration BOLL & BRANCH (word), No. 7498960, registered on September 10, 2024, in classes 20, 25, and 27;

- United States trademark registration BOLL & BRANCH (word), No. 5585449, registered on October 16, 2018, in classes 20 and 24;

The Complainant operates the official domain name <bollandbranch.com> since 2013.

The disputed domain name was registered on March 16, 2026. As of the date of this Decision, the disputed domain name does not resolve to an active website, but instead results in an error page when accessed by Internet users.

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:

(1) The disputed domain name is confusingly similar to the Complainant's trademarks, since it incorporates the BOLL & BRANCH mark and the addition of the term "store" does not prevent confusion. The descriptive term "store" suggests that the disputed domain name corresponds to the Complainant's official online store, thereby reinforcing the association with the Complainant. The generic Top-Level Domain ("gTLD") ".com" does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademarks;

(2) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant, has no license or authorization to use the BOLL & BRANCH mark, and is not commonly known by BOLL & BRANCH. The disputed domain name does not resolve to active web page, which is not a bona fide offering of goods or services. The Respondent is clearly not making a legitimate noncommercial or fair use of the disputed domain name. Impersonating the Complainant and its authorized service negates any claim of legitimate interest.

(3) The disputed domain name was registered and is being used in bad faith. The disputed domain name was registered on March 16, 2026. Registering the disputed domain name so obviously connected to a well-known mark without authorization is itself evidence of bad faith. The Complainant further submits that the Respondent has concealed its identity through the use of a privacy or proxy service. The Complainant also contends that the disputed domain name does not resolve to an active website and that such passive holding may support a finding of bad faith. By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial purposes, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of its website. Such conduct is clearly designed to create a misleading association with the Complainant further reinforces the inference of deliberate targeting.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. In UDRP cases, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (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.

The Respondent was given proper notice of the Complaint and had the opportunity to respond. Under paragraph 5(a) of the Rules, the Respondent was required to submit its response within 20 days of commencement of the proceeding. The Respondent failed to do so.

Pursuant to paragraph 5(f) of the Rules, in the event of such a default, the Panel shall proceed to a decision based on the Complaint. However, the Respondent's default does not mean that the Complainant automatically prevails; the Complainant continues to bear the burden of proof on each element. The Panel may draw appropriate inferences from the Respondent's silence, and, where appropriate, accept as true the reasonable allegations in the Complaint that are not contradicted by evidence.

The Panel has reviewed the entire case file and the evidence provided. The Panel is also guided, where pertinent, by the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), which reflects consensus positions of UDRP panels on many common issues. The Panel will make reference to these consensus views in the analysis below as applicable.

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 mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its BOLL & BRANCH mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that the Complainant's BOLL & BRANCH mark is recognizable within the disputed domain name. The disputed domain name reproduces the dominant verbal elements of the Complainant's mark, with the ampersand ("&") being replaced by the word "and", which does not materially affect the overall impression of the mark. The addition of the descriptive term "store" does not prevent a finding of confusing similarity. In accordance with section 1.8 of the [WIPO Overview 3.1](#), the addition of descriptive or other terms does not avoid confusing similarity where the Complainant's mark remains clearly recognizable within the disputed domain name.

The Panel further notes that the gTLD ".com" is required only for technical reasons and is generally disregarded for the purposes of comparison of the Complainant's marks to the disputed domain name. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's marks and that the first element of paragraph 4(a) of the Policy is satisfied.

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 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 Panel further notes that the Complainant has established trademark rights in BOLL & BRANCH mark and has confirmed that it has no relationship with the Respondent. The Respondent has not been authorized, licensed, or otherwise permitted to use the Complainant's trademarks. There is also no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

At the time of this Decision, the disputed domain name does not resolve to active website and does not appear to be used for any genuine business purpose. Such use cannot constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor does it qualify as a legitimate noncommercial or fair use without intent for commercial gain under paragraph 4(c)(iii). There is no evidence that, before notice

of the dispute, the Respondent made any demonstrable preparations to use the disputed domain name in connection with a legitimate offering of goods or services. Nor is there any evidence that the Respondent has acquired or applied for any trademark rights in BOLL & BRANCH, or any variation thereof. The manner in which the Respondent has used the disputed domain name indicates an intent to take unfair advantage of the Complainant's reputation, rather than to pursue any legitimate business purpose.

The Panel notes that such use is not supported by any authorization from the Complainant and creates a risk of implied affiliation.

In light of the Respondent's failure to participate in the proceedings, the absence of any credible evidence of rights or legitimate interests, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name.

Accordingly, the Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

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 finds that the Respondent both registered and is using the disputed domain name in bad faith under paragraph 4(b) of the Policy.

The Complainant is a United States-based luxury textile company with an international reputation. Founded in 2014, the Complainant offers high-quality bedding products and apparel, including robes and sleepwear. The Complainant has also operated the domain name <bollandbranch.com>.

Given the Complainant's reputation internationally and the distinctive nature of its BOLL & BRANCH mark, the Panel finds it implausible that the Respondent was unaware of the Complainant's rights. The registration itself, mirroring the Complainant's trademark in full, demonstrates clear targeting.

The disputed domain name incorporates the textual elements of the BOLL & BRANCH mark, with the ampersand (“&”) replaced by the equivalent word “and”, a difference dictated by the technical limitations of the domain name system. It further adds only the non-distinctive term “store”, creating a composition that strongly supports a finding of deliberate targeting in accordance with section 3.2.1 of the [WIPO Overview 3.1](#). Furthermore, the Complainant uses the BOLL & BRANCH mark in connection with its official e-commerce website, through which it offers retail services. Therefore, in the Panel's view the Respondent's inclusion of the term “store” when registering the disputed domain name evidences deliberate targeting. Such a domain name composition strongly supports a finding of bad-faith registration.

Although the disputed domain name does not resolve to an active website, Panels have consistently held that passive holding does not preclude a finding of bad faith. Considering the reputation of the Complainant's marks, the composition of the disputed domain name, and the Respondent's failure to submit any Response, the Panel finds that the passive holding of the disputed domain name in this case does not prevent a finding of bad faith. [WIPO Overview 3.1](#), section 3.3.

In these circumstances where the Respondent has offered no plausible or supported explanation for the registration of the disputed domain name, the Panel finds that the Respondent was most likely aware of the Complainant at the time of registration.

The Respondent has provided no explanation for its choice of the disputed domain name, is not commonly known by the disputed domain name, and has not been authorized by the Complainant to use its trademark. The absence of any Response further reinforces the Panel's inference of bad faith. [WIPO Overview 3.1](#), section 4.3.

The Panel further notes that the Respondent has made use of a privacy or proxy service to register the disputed domain name. In the circumstances of the present case it supports an inference that the Respondent sought to conceal its identity. This is considered by the Panel as an additional indicium of bad faith. [WIPO Overview 3.1](#), section 3.6.

Considering the totality of circumstances, the Panel concludes that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy. Accordingly, the third element of paragraph 4(a) 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 <bollandbranchstore.com> be transferred to the Complainant.

/Ganna Prokhorova/

Ganna Prokhorova

Sole Panelist

Date: June 24, 2026