ADMINISTRATIVE PANEL DECISION
Oticon A/S v. Madelyn Gibson
Case No. D2026-1973

1. The Parties

The Complainant is Oticon A/S, Denmark, represented by Abion AB, Sweden.

The Respondent is Madelyn Gibson, United States of America.

2. The Domain Name and Registrar

The disputed domain name <audikastore.shop> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 7, 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 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 8, 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 May 12, 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 May 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 8, 2026.

The Center appointed Roger Staub as the sole panelist in this matter on June 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 Complainant is Oticon A/S, a Danish hearing aid company. The Complainant provides hearing care services, hearing aids and related products under, inter alia, its AUDIKA brand. It is part of the Demant Group, which operates in more than 30 countries worldwide and offers hearing care and intelligent audio solutions in over 130 countries. The Complainant uses the AUDIKA trademark worldwide. It has maintained a substantial commercial presence in the United States of America.

The Complainant owns various trademark registrations consisting of the element "Audika". The Complainant's portfolio of AUDIKA trademark registrations includes, inter alia, the following trademark registrations:

- European Union Trademark Registration 005166889 for AUDIKA registered on July 16, 2007, in Classes 3, 9, 10, and 42; and

- International Trademark Registration No. 1425027 for AUDIKA, registered on July 6, 2018, in Classes 3, 9, 35, 37, and 44, covering, inter alia, Australia, Canada, Japan, Morocco, New Zealand, Norway, Singapore, and Switzerland.

Further, the Complainant and other companies of the Demant Group own various domain names, including the domain names <audika.com>, <audikaretail.com>, and <audika-retail.com>.

The disputed domain name was registered on April 16, 2026. The disputed domain name previously resolved to a French-language e-commerce website operating under the name "Audika Boutique Accessoires", purportedly offering hearing-related accessories and products for sale. Upon the Complainant's takedown request, the content was removed. It is now on "serverHold" status.

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 the following:

First, 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 <audikastore.shop> incorporates the Complainant's registered trademark AUDIKA in its entirety, together with the descriptive term "store". Therefore, the trademark AUDIKA is clearly recognizable within the disputed domain name. The generic Top-Level Domain ("gTLD") ".shop" is technically required in a domain name, which is why it is not be taken into account in the comparison between the mark and the disputed domain name.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered many years after the registration of the Complainant's trademarks. The Complainant has never granted the Respondent any rights to use the trademark AUDIKA in any form. The Respondent's name "Madelyn Gibson" does not correspond to the term "Audika". Searches on online trademark databases indicate that the Respondent does not hold any trademark registrations and, in particular, such consisting of, or containing, the term "Audika". The structure of the disputed domain name (combination of the Complainant's trademark AUDIKA in its entirety with the term "store") is inherently misleading and reflects the Respondent's intention to create an association and a subsequent likelihood of confusion with the Complainant and its trademarks in the Internet users' minds. The website, to which the disputed domain name redirected previously, prominently used the trademark AUDIKA and presented itself as a commercial online shop connected to the Complainant and its brand AUDIKA. The website did not identify any company, legal entity, or physical address. The only contact detail provided was an email address "[…]@audikaboutiqueaccessoires.com", whereby the domain name corresponding to that email address does not appear to be registered. Such use cannot be considered as a bona fide offering of goods or services, and it cannot confer rights or legitimate interests to the Respondent.

Third, the disputed domain name was registered and is being used in bad faith. The Complainant's trademarks were registered and used before the Respondent became, without the Complainant's authorization, the owner of the disputed domain name. The AUDIKA mark enjoys a strong online presence and is active on social media platforms. The structure of the disputed domain name shows that the Respondent registered it having the Complainant's trademark AUDIKA in mind. It reflects the Respondent's clear intention to create an association and a subsequent likelihood of confusion. The Respondent is seeking to benefit from the established reputation related to the AUDIKA mark and potentially harm its business by diverting traffic to a different website. This suggests that the disputed domain name was registered in bad faith. As far as use in bad faith is concerned, the Complainant submits that the disputed domain dame previously resolved to an active website offering hearing-related products and accessories for sale under the name "Audika Boutique Accessoires". The website promoted products produced by the Complainant's competitors. The Respondent's conduct demonstrates a clear intent to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark, which constitutes evidence of bad faith use.

B. Respondent

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

6. Discussion and Findings

According to the Policy, to qualify for a transfer, the Complainant must prove each of the following:

First, the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights.

Second, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Third, the disputed domain name has been registered and is being used in bad faith.

Since the Respondent did not submit a response, the Panel may choose to accept the reasonable contentions of the Complainant as true. This Panel will determine whether those facts constitute a violation of the Policy that is sufficient to order the transfer of the disputed domain names (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. D2006-0292).

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 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, the term “store”) may bear on the assessment of the second and third elements, the Panel finds the addition of such term does 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 composition of the disputed domain name, which fully incorporates the Complainant’s distinctive trademark and the dictionary term “store”, carries a risk of implied affiliation with the Complainant and thus, such composition cannot confer rights or legitimate interests on the Respondent since it effectively impersonates or suggests sponsorship on the part of the Complainant. WIPO Overview 3.1, section 2.5.1.

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.

Considering the fact that the Complainant’s trademark registration predates the disputed domain name by almost 20 years, that the trademark is owned by a globally active group of companies in a considerable number of countries worldwide and that the disputed domain name is confusingly similar to the Complainant’s distinctive mark, the Panel finds that the Respondent knew or should have known of the Complainant and registered the disputed domain name in bad faith.

Having reviewed the record, the Panel notes (i) the distinctiveness of the Complainant's trademark, (ii) the strength and international spread of the Complainant's mark's online presence, (iii) the composition of the disputed domain name, (iv) the disputed domain name has been used to promote products competing with the Complainant's own products, (v) the use of an apparently fake email address on the website, and (vi) the failure of the Respondent to submit a response. All this suggests that the disputed domain name has been registered and used with the intent to mislead and attract Internet users for commercial gain. The Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under paragraph 4(b)(iv) of the Policy. Although the disputed domain name is no longer active after the Complainant's takedown request, it does not change the Panel's finding of the Respondent's bad faith.

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 <audikastore.shop> be transferred to the Complainant.

/Roger Staub/
Roger Staub
Sole Panelist
Date: July 2, 2026