

ADMINISTRATIVE PANEL DECISION

Frosty Dream, Inc. v. Valentina Vorovska
Case No. D2026-2040

1. The Parties

The Complainant is Frosty Dream, Inc., United States of America ("United States"), represented by Frankfurt Kurnit Klein & Selz, PC, United States.

The Respondent is Valentina Vorovska, Germany.

2. The Domain Name and Registrar

The disputed domain name <themissmouths.com> 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 12, 2026. On May 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 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 19, 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 21, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 18, 2026.

The Center appointed Jane Seager as the sole panelist in this matter on June 29, 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 United States-based corporation offering stain remover products under the MISS MOUTH'S trademark. The Complainant is the owner of, inter alia, United States Trademark Registration No. 5,203,016, MISS MOUTH'S, registered on May 16, 2017.¹

The disputed domain name was registered on February 20, 2025. The disputed domain name resolves to a website (the "Respondent's website") that provides information about the Complainant's stain remover products. The Respondent's website includes prominent links that redirect Internet users to Amazon product pages for the Complainant's products. The footer of the Respondent's website states that "themissmouths.com is a participant in the Amazon Services LLC Associates Program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.com".

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.

The Complainant asserts rights in the MISS MOUTH'S trademark. The Complainant submits that the disputed domain name is confusingly similar to its trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant notes that its trademark rights were established prior to the Respondent's registration of the disputed domain name. The Complainant asserts that the Respondent cannot claim or show any rights in the disputed domain name that are superior to the Complainant's rights in its MISS MOUTH'S trademark. The Complainant argues that the Respondent is not commonly known by the disputed domain name and has not acquired any relevant trademark rights.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant asserts that it is clear that the Respondent knew of the Complainant and its trademark rights when registering the disputed domain name, and that the Respondent is using the disputed domain name in order to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's trademarks.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

¹ The Panel notes that this trademark registration was first registered by the company ESR LLC, and that the registration was duly assigned to the Complainant on January 14, 2022.

6. Discussion and Findings

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

- (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 was 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 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, altered only by the omission of space and an apostrophe. The Panel finds the Complainant's trademark to be recognizable in the disputed domain name and that 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 definite article "the", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

There appears to be no relationship between the Parties, nor is there any evidence that the Respondent has been authorized to use the Complainant's trademarks.

As noted above, the disputed domain name resolves to a website that provides information about the Complainant and includes links to Amazon product pages where the Complainant's products are offered for sale, while displaying the Complainant's trademark on the website. The Respondent's website does not

contain a clear statement clarifying its non-affiliation with the Complainant. The overall impression of the Respondent's website is that it is operated by or affiliated with the Complainant. The Panel infers from the statement in the footer of the Respondent's website that the Respondent earns revenue from its participation in the Amazon Services LLC Associates Program. In this way, the Respondent appears to be obtaining commercial benefit from its unauthorized use of the Complainant's trademark in the disputed domain name and on its website. The Panel finds that such use of the disputed domain name does not amount to a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

The Panel further finds that the Respondent is not commonly known by the disputed domain name in accordance with paragraph 4(c)(ii) of the Policy.

Nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name as envisioned by paragraph 4(c)(iii) of the Policy.

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 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.

The disputed domain name wholly incorporates the Complainant's trademark, differing only by the addition of the definite article "the" and the omission of punctuation. Moreover, the disputed domain name resolves to a website focused on the Complainant's products, featuring information about those products and links directing Internet users to Amazon product pages where the Complainant's products are sold, while displaying the Complainant's trademark on the website. In the circumstances, the Panel infers that the Respondent registered the disputed domain name with knowledge of and targeting the Complainant and its trademark rights.

The Panel finds that the disputed domain name itself carries a risk of implied affiliation with the Complainant, as it consists of the Complainant's trademark together with the definite article "the". In the absence of any clear and prominent disclosure of the Respondent's lack of relationship with the Complainant, Internet users are likely to assume that the Respondent's website is an official website of, or is authorized by, the Complainant. The Panel also notes the statement on the Respondent's website indicating that the Respondent participates in the Amazon Services LLC Associates Program. The Panel considers it more likely than not that the Respondent registered and used the disputed domain name in order to generate affiliate commission revenue through the Amazon Services LLC Associates Program. The Respondent is therefore using the disputed domain name for commercial gain based on the goodwill associated with the Complainant's trademark.

In these circumstances, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's MISS MOUTH'S trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, in bad faith pursuant to paragraph 4(b)(iv) of the Policy. See *Weissman's Theatrical Supplies, Inc. v. Evhen Shmelenkov*, WIPO Case No. [D2025-4733](#):

"[...] by using the trade mark of the Complainant and other information regarding the Complainant, such as its business address, as well as by obtaining commission on sales through the Amazon Program,

intentionally attempted to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation or endorsement of the website. All these factors result in the finding that the Respondent registered and is using the disputed domain name in bad faith."

See also *Laurmark Enterprises, Inc. dba Bak Industries v. Asjad Aamir Asjad Aamir, AutoCornerd*, WIPO Case No. [D2025-0544](#).

Accordingly, the Panel finds that the disputed domain name was registered and is being used in 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 <themissmouths.com> be transferred to the Complainant.

/Jane Seager/

Jane Seager

Sole Panelist

Date: July 13, 2026