

## **ADMINISTRATIVE PANEL DECISION**

TR Holding, LLC v. james smith  
Case No. D2026-2068

### **1. The Parties**

Complainant is TR Holding, LLC, United States of America (“United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

Respondent is james smith, United States.

### **2. The Domain Name and Registrar**

The Disputed Domain Name <therowstore.com> is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 18, 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 (WITHHELD FOR PRIVACY EHF / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on the same day, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 19, 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 23, 2026.

The Center appointed Richard W. Page as the sole panelist in this matter on June 27, 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**

Complainant owns the trademarks and other intellectual property associated with the fashion brand “The Row.” The Row was established in 2005 by Ashley Olsen and Mary-Kate Olsen.

Complainant’s brand has become a well-known and celebrated fashion brand. Among the awards that the brand has garnered have been Women’s Wear Designer of the Year in 2012, Accessories Designer of the Year in 2014, Women’s Wear Designer of the Year in 2015, Accessories Designer of the Year in 2018, Accessories Designer of the Year in 2019 and again in 2025, all by the Council of Fashion Designers of America (CFDA).

Complainant sells its products through its flagship retail stores, as well as through select retailers around the world, including Bergdorf Goodman, Neiman Marcus, Selfridges, Harrods, and other high-end specialty retailers. The Row products are also sold through Complainant’s own website at “www.therow.com” which has been in active use since 2010.

Complainant sells all types of men’s and women’s clothing, outerwear, accessories such as eyeglasses, hats, gloves, scarves and belts, shoes, and handbags, as well as goods for the home, including towels and blankets.

The Row products are sold with hangtags and labels that bear THE ROW mark (“THE ROW Mark”) and logo. THE ROW Mark also appears on packaging used at Complainant’s retail stores or purchased through <therow.com> website.

Complainant owns numerous United States registrations for THE ROW Mark, including but not limited to:

United States Registration No. 3,858,397 for THE ROW registered October 5, 2010 in class 25;

United States Registration No. 4,672,298 for THE ROW registered January 13, 2015 in class 35; and

United States Registration No. 4,123,159 for THE ROW registered April 3, 2012 in class 18.

Complainant also owns a number of additional trademark registrations in countries around the world for THE ROW Mark.

The Disputed Domain Name was registered on May 9, 2025, and resolves to a website which is masquerading as an official website of Complainant and purporting to offer The Row clothing and accessories.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that it has used The Row as its brand and as a trade name for decades. Complainant further contends that due to the commercial success of The Row brand, as well as the geographical extent of sales made, THE ROW Mark has achieved widespread recognition and has built up enormous goodwill, which is an extremely valuable asset for Complainant.

In addition to its registrations for THE ROW Mark, Complainant contends that it enjoys extensive and strong common law rights in THE ROW Mark which has been carefully cultivated through 20 years of use.

Complainant further contends that the Disputed Domain Name includes the entirety of THE ROW Mark and is confusingly similar. Complainant further contends that the deletion of spaces between words in the Disputed Domain Name does not prevent a finding of confusing similarity. In addition, Complainant contends that the addition of the word “store” likewise does not defeat confusing similarity.

Complainant submits that the Disputed Domain Name and its website incorporate THE ROW Mark in the URL and in the title that appears on the website accessed from the URL. Respondent’s website prominently displays THE ROW Mark throughout the site using the same font and stylization as is used by Complainant on its official website.

Complainant further submits that Respondent’s website features several pieces that are identified on the website as having come from Complainant’s Spring 2025 Womenswear Collection. However, the pieces listed on Respondent’s website differ from pieces from Complainant’s actual Spring 2025 Collection. The homepage on Respondent’s website also copied a video from Complainant. This video originally appeared in an Instagram post showing Complainant’s Spring 2025 Womenswear and Menswear Collections. Respondent has unlawfully stolen this video and placed it on the landing page of its website to falsely suggest to consumers that its website is associated with Complainant’s THE ROW Mark and brand. Respondent’s website also claims a copyright notice in the name “Therowstore”.

Complainant further submits that it has not given Respondent permission to use THE ROW Mark in a domain name or in any other way. Complainant further submits that it has never had any relationship with Respondent that would give rise to any license, permission or authorization for Respondent to use THE ROW Mark or to register the Disputed Domain Name.

Complainant further submits that Respondent’s use of the Disputed Domain Name cannot be considered a bona fide offering of goods or services, nor can it be considered a legitimate noncommercial or fair use.

Complainant alleges that Respondent’s website demonstrates knowledge of Complainant and of THE ROW Mark, as the site is passing itself off as Complainant’s own website, offering potentially counterfeit The Row products, and stealing Complainant’s images to do so, which constitutes bad faith.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Even though Respondent has failed to file a Response or to contest Complainant’s assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the claims are met. WIPO Overview of WIPO Panel Views on Select UDRP Questions ([“WIPO Overview 3.1”](#)), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to THE ROW Mark in which Complainant has rights; and,
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

[WIPO Overview 3.1](#), section 1.2.1 states that registration of a trademark, here THE ROW Mark, prima facie satisfies the threshold requirement of Complainant having trademark rights for purposes of standing to file a UDRP case.

Complainant has shown rights in respect of THE ROW Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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 ROW Mark and the Disputed Domain Name. [WIPO Overview 3.1](#), section 1.7.

The entirety of THE ROW Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to THE ROW Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here the addition of the word “store,” may bear on assessment of the second and third elements, the Panel finds the use of such term does not prevent a finding of confusing similarity between the Disputed Domain Name and THE ROW 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 allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish THE ROW Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Panels have held that the use of the Disputed Domain Name for illegitimate activity, here claimed as the sale of potentially counterfeit goods and passing off, can never confer rights or legitimate interests on 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 the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

(i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of THE ROW Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

(ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of THE ROW Mark from reflecting THE ROW Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with THE ROW Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

In the present case, the Panel notes that Respondent has registered a confusingly similar Disputed Domain Name to attract Internet users to Respondent's website which is masquerading as an official website of Complainant to offer potentially counterfeit goods for sale in violation of paragraph 4(b)(iv) of the Policy.

In addition, Panels have held that the use of the Disputed Domain Name for illegitimate activity, here claimed as the sale of potentially counterfeit goods and passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <therowstore.com> be transferred to Complainant.

*/Richard W. Page/*

**Richard W. Page**

Sole Panelist

Date: July 8, 2026