ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Scentbird Inc. v. xi bai
Case No. D2026-2230

1. The Parties

Complainant is Scentbird Inc., United States of America ("United States" or "U.S."), represented by Cole-Frieman & Mallon, LLP, United States.

Respondent is xi bai, United States.

2. The Domain Name and Registrar

The disputed domain name <drifftshop.com> (the "Domain Name") 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 22, 2026. On May 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 27, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (REDACTED FOR PRIVACY / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on May 27, 2026, 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 June 1, 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 June 5, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was June 25, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 30, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on July 6, 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 is a United States-based subscription service for designer fragrances that operates at domain name <scentbird.com> and, through authentic brand partnerships, offers over 1,000 perfumes and colognes while exercising strict quality control over its brand, packaging, marketing, and sales channels. Complainant is a Delaware corporation with an address in Somerset, New Jersey, United States. Complainant owns and uses the DRIFT trademark in connection with, among other goods and services, air fragrance preparations, scented room sprays, scented candles, air fragrance reed diffusers, and online retail store services featuring such goods. Relevant to this matter, Complainant owns the following trademark registrations:

- DRIFT, United States, Reg. No. 7,931,659, registered on September 2, 2025, in International Classes 3, 4, and 35;
- DRIFT (stylized), United States, Reg. No. 6,321,131, registered on April 13, 2021, in International Class 5; and
- DRIFT, United States, Reg. No. 6,332,127, registered on April 27, 2021, in International Classes 5 and 35.

Collectively, these common law and unregistered trademark rights are referred to as the "DRIFT Marks." Complainant is also the registrant of the domain name <drift.co>, created on July 20, 2010, which it uses in connection with its primary website.

The Domain Name was registered on March 25, 2026, long after Complainant acquired its registered rights in the DRIFT Marks. The Domain Name resolves to an online storefront that prominently uses the "drift" brand styling and offers fragrance products for sale, including car fresheners, home scent diffusers, reed diffusers, scented candles, room sprays, and colognes that match or overlap with the goods and services covered by the DRIFT Marks.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Complainant asserts that it has longstanding rights in the DRIFT Marks through use and registration, that the DRIFT Marks are well known in the fragrance space, and that it has invested substantial time, resources, and goodwill in developing consumer recognition of the DRIFT Marks. Complainant states that it has never authorized Respondent to use the DRIFT Marks and that Respondent is exploiting Complainant's reputation through a deceptive storefront that impersonates Complainant.

With respect to the first element of the Policy, Complainant contends that the Domain Name is confusingly similar to a trademark in which Complainant has rights. Complainant asserts that the Domain Name incorporates a mark that is virtually identical to the DRIFT Marks, and that this is sufficient to establish confusing similarity for purposes of the Policy.

With respect to the second element of the Policy, Complainant contends that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant alleges that it has never assigned, granted, licensed, sold, transferred, or in any way authorized Respondent to register or use the DRIFT Marks, that Respondent has no relationship whatsoever with Complainant, and that the Parties were never in a business relationship. Complainant argues that Respondent's operation of a copycat storefront that reproduces Complainant's trademarks, imagery, and content in order to impersonate Complainant and pass off products as Complainant's cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

With respect to the third element of the Policy, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant asserts that the DRIFT Marks are famous and well known and existed prior to Respondent's registration of the Domain Name, that Respondent is using the Domain Name to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the DRIFT Marks as to source, sponsorship, affiliation, and endorsement, and that Respondent's incorporation of a well-known mark without any plausible explanation is itself an indication of bad faith. Complainant further contends that Respondent uses Complainant's copyrighted content to reinforce the impersonation and that this deliberate scheme was designed to exploit Complainant's reputation.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

(i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;

(ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and

(iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, *WIPO Case No. D2009-1779; Bjorn Kassoe Andersen v. Direction International,* WIPO Case No. D2007-0605; see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

Complainant has shown rights in respect of the DRIFT trademark for the purposes of the Policy through its registered trademark rights in the United States. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the DRIFT mark is recognizable within the Domain Name. WIPO Overview 3.1, section 1.7. The Domain Name reproduces Complainant's DRIFT mark, adding only a second letter "f", a slight misspelling of the mark, and the term "shop." Such a misspelling of the mark does not prevent a finding of confusing similarity, as the DRIFT mark remains recognizable within the Domain Name. WIPO Overview 3.1, section 1.9. Although the addition of the term "shop" may bear on the assessment of the second and third elements, the Panel finds that the addition of such a term does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

Accordingly, the Domain Name is confusingly similar to the DRIFT mark for the purposes of the Policy, and the Panel finds the first element of the Policy has been established. WIPO Overview 3.1, section 1.7.

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See WIPO Overview 3.1, section 2.1. Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use the DRIFT Marks or to register domain names incorporating the mark.

There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the term "drifftshop". The only name associated with Respondent in the record is "xi bai," which bears no connection to the Domain Name or to the DRIFT Marks. 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 Domain Name, such as those enumerated in the Policy[1] or otherwise.

Moreover, the record demonstrates that Respondent has used the Domain Name to operate an online storefront that impersonates Complainant by adopting Complainant's "drift" branding, offering the same categories of fragrance goods sold under the DRIFT Marks, and copying Complainant's imagery and written content, thereby misleading Internet users into believing there is an affiliation with or authorization by Complainant. Such impersonation is inconsistent with a bona fide offering of goods or services and constitutes clear evidence of an intent to capitalize on Complainant's reputation. Panels have held that the use of a domain name for illegal activity, here impersonation and passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. Panels have likewise consistently held that a domain name's use cannot be deemed bona fide where the domain name and associated website constitute trademark infringement and impersonation of a complainant. See *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. D2021-1714 ("a [disputed domain name's] use cannot be deemed bona fide if the disputed domain names constitute trademark infringement"), citing *Sai Machine Tools Pvt. Ltd. v. Mr. Sudhir Jaiswal, Shree Sai Extrusion Technik Pvt. Ltd*, WIPO Case No. D2018-2560 ("bona fide use is predicated on honest adoption of the name" and respondent failed to show such honest adoption; rather, respondent's use was infringing and therefore not bona fide.)

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise. The Panel therefore finds that the second element of the Policy has been established.

[1] The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no rights or legitimate interests. See *Accor v. Kristen Hoerl*, WIPO Case No. D2007-1722. The DRIFT Marks are distinctive and were registered and used in commerce well before Respondent registered the Domain Name on March 25, 2026. The Domain Name reproduces the DRIFT trademark together with the descriptive term "shop" and resolves to a storefront that adopts Complainant's branding and offers the very categories of fragrance goods that Complainant sells under the DRIFT Marks. In these circumstances, there is no plausible explanation for Respondent's registration of the Domain Name other than to trade off the goodwill and reputation of Complainant's mark, and the Panel finds that Respondent registered the Domain Name with Complainant's mark firmly in mind and with the intention of exploiting it. WIPO Overview 3.1, section 3.2.2.

Turning to use, by operating an online store that closely imitates Complainant and its brand, Respondent has demonstrated an intent to confuse and mislead consumers for commercial gain. The website under the Domain Name prominently displays the DRIFT Marks throughout, reproduces product images and written content copied from Complainant, and offers purported DRIFT-branded products at steep discounts, reinforcing a false impression of legitimacy and affiliation with Complainant. This conduct establishes that Respondent, by using the Domain Name, has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the DRIFT Marks as to the source, sponsorship, affiliation, or endorsement of the website and the products offered on it, which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The Panel additionally notes that the registrant contact information disclosed by the Registrar for the Domain Name is patently false. Respondent's provision of manifestly false and fictitious contact information further supports the Panel's finding of bad faith. WIPO Overview 3.1, section 3.6.

As detailed above, the Panel finds on the record before it that Respondent registered and is using the Domain Name in bad faith under paragraph 4(b)(iv) of the Policy, and 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 Domain Name, <drifftshop.com>, be transferred to Complainant.

/John C McElwaine/
John C McElwaine
Sole Panelist
Date: July 20, 2026