

ADMINISTRATIVE PANEL DECISION

Spooky Girl, Inc v. Nguyen Ngoc Tan
Case No. D2026-2308

1. The Parties

The Complainant is Spooky Girl, Inc, United States of America ("United States"), represented by Venable, LLP, United States.

The Respondent is Nguyen Ngoc Tan, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <willowsmith.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 28, 2026. On May 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 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 (Redacted for Privacy, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 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 June 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 June 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 12, 2026.

The Center appointed Catherine Slater as the sole panelist in this matter on July 17, 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 company incorporated in California, United States. The Complainant was founded by Willow Smith who is a singer, actor and dancer and who made her film debut in the 2007 film "I Am Legend". The Complainant operates social media platforms (under the name of Willow Smith) including Instagram (11.3 million followers) and Facebook (8.8 million followers).

The Complainant, as shown on the official principal register, is the proprietor of the following trademark registrations:

United States Trademark No. 4145617 for WILLOW SMITH (plain word) registered on May 22, 2012; and United States Trademark No. 4145618 for WILLOW SMITH (plain word) registered on May 22, 2012.

The Complainant operates a website at "www.willowsmith.com".

The disputed domain name was registered on April 25, 2025. Screenshots submitted by the Complainant (which it says were taken on February 23, 2026) show that the disputed domain name resolved to a website ("the Respondent's website") showing the heading 'WILLOW SMITH' in the top left-hand corner. There were then shown various sub-headings : "The Best Willow Smith Merchandise Store", "WILLOW SMITH MERCHANDISE STORE" and "Willow Smith Merch and Clothing – Willow Smith Merchandise Store". There then appeared the text, "Willow Smith Merchandise Store is the OFFICIAL Merchandise Store for Willow Smith fans". The website appeared to offer for sale items such as clothing, posters and pin badges all of which were adorned with the name, image and/or likeness of Willow Smith. At the foot of the website appeared the statement "© Willow Smith Store – Official Willow Smith Merchandise Shop 2026 all rights reserved".

The disputed domain name expired on April 25, 2026, and was subsequently restored by the Complainant. Consequently, at the date of this Decision the disputed domain name resolves to a parking page bearing the banner "willowsmith.shop has expired and may be available at Dynadot auctions" and containing pay-per-click links.

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 the disputed domain name is confusingly similar to the Complainant's WILLOW SMITH trademark and that the disputed domain name incorporates the entirety of that trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because there is no evidence that the disputed domain name has been used for a bona fide offering of goods or services, there is no evidence that the Respondent has been commonly known by the disputed domain name, the Complainant has not granted any licence or consent to use the WILLOW SMITH trademark in any manner, the use of the well-known WILLOW SMITH trademark cannot constitute bona fide use or legitimate interest, the use of the disputed domain name is an attempt by the Respondent to pass itself off as the Complainant, the offer for sale of counterfeit goods is not a legitimate interest and it is

impossible to conceive of a circumstance in which the Respondent could use the disputed domain name without creating a false impression of association with the Complainant.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith because, given the later use of Willow Smith's name, image and likeness, the Respondent clearly had knowledge of the WILLOW SMITH trademark at the time of registration, the disputed domain name has been used in an attempt for the Respondent to pass itself off as the Complainant and sell counterfeit goods, the Respondent registered the disputed domain name to disrupt the business of the Complainant by creating a likelihood of confusion with the WILLOW SMITH trademark and the registration of a domain name containing a well-known trademark amounts to opportunistic bad faith.

B. Respondent

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

6. Discussion and Findings

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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 Complainant asserts that the Respondent is using the Respondent's website to sell counterfeit material but offers no evidence or explanation as to why it reached this conclusion. Accordingly, the Panel does not base this decision upon that assertion. Nevertheless, even if the items for sale upon the Respondent's website were genuine products then the Respondent would not pass the "Oki Data" test (see [WIPO Overview 3.1](#), section 2.8.1) in that the Respondent (through the claim to be an "official" website) falsely claimed a relationship with the Complainant. In any event, the Panel is satisfied that use made of the disputed domain name sought to take unfair advantage of the WILLOW SMITH trademark (as discussed in more detail below) and cannot therefore give rise to rights or legitimate interests. Furthermore, the composition of the disputed domain name carries a risk of implied affiliation with 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.

In the present case, the Panel notes that the Respondent selected a domain name which is identical to the Complainant's WILLOW SMITH trademark and which is also the name of its well-known founder. In such circumstances, the clear inference is that the Respondent likely selected the disputed domain name with knowledge of the WILLOW SMITH trademark. That the Respondent did have such knowledge is confirmed by the subsequent use of the disputed domain name for the Respondent's website which displayed the WILLOW SMITH trademark together with the image and likeness of Willow Smith and which claimed (falsely) to be an official source of WILLOW SMITH merchandise. Therefore, the Panel finds that the Respondent registered the disputed domain name with the WILLOW SMITH trademark in mind and with the intention of profiting from, or otherwise exploiting, the goodwill attached to that trademark.

The Respondent's use of the disputed domain name for a website that utilized the WILLOW SMITH trademark, displayed the image and likeness of Willow Smith and claimed to be an "official" merchandise source created the false impression that the disputed domain name was owned by, or affiliated in some manner, with the Complainant. Such actions would obviously and most likely have been taken for the purpose of selling the advertised goods for profit. As such, the Panel considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark in accordance with paragraph 4(b)(iv) of the Policy.

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 <willowsmith.shop> be transferred to the Complainant.

/Catherine Slater/

Catherine Slater

Sole Panelist

Date: July 31, 2026