

ADMINISTRATIVE PANEL DECISION

BA&SH v. Host Master, Njalla Okta LLC

Case No. D2026-2406

1. The Parties

The Complainant is BA&SH, France, represented by Cabinet Bouchara – Avocats, France.

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <bash-outlets.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2026. On June 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 4, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 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 June 8, 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 June 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2026.

The Center appointed Gonçalo M. C. Da Cunha Ferreira as the sole panelist in this matter on July 7, 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, BA&SH, is a French société par actions simplifiée, registered in the Paris Trade and Companies Registry under No. 449158898. The Complainant designs, produces, and markets ready-to-wear clothing, footwear, accessories, jewelry, and related fashion and lifestyle products under the BA&SH trademark, a name formed from the joint initials of its founders, Ms. Barbara Boccara and Ms. Sharon Krief.

The Complainant is the owner of, among others, the following trademark registrations consisting of or containing “BA&SH” or “ba&sh”:

- European Union Trade Mark ba&sh No. 005679758, filed January 30, 2007, and registered February 10, 2012, covering goods in classes 3, 14, 18, and 25;
- European Union Trade Mark BA & SH No. 015561905, filed June 20, 2016, and registered November 29, 2016, covering goods and services in classes 9, 24, and 35; and
- European Union Trade Mark ba&sh No. 017895989, filed May 7, 2018, and registered October 6, 2018, covering goods and services in classes 3, 9, 14, 18, 21, 25, and 35.

Each of the above registrations predates the registration of the disputed domain name.

The Complainant is the registrant of the domain name <ba-sh.com>, registered since 2004, which resolves to the Complainant’s official e-commerce website through which the Complainant markets and sells its authentic products worldwide. The Complainant also maintains a significant social media presence, including an Instagram account under the handle “bashparis,” followed by more than 1,300,000 users.

The disputed domain name <bash-outlets.com> was registered on March 17, 2026, i.e., well over a decade after the registration of the Complainant’s earliest BA&SH trademark relied upon in this proceeding.

According to the Registrar’s verification response of June 4, 2026, the disputed domain name is registered in the name of “Host Master, Njalla Okta LLC,” with an address in Charlestown, Saint Kitts and Nevis.

The evidence on the record shows that the disputed domain name resolves to a website that prominently reproduces the Complainant’s BA&SH logo and offers for sale, at purportedly discounted “outlet” prices, ready-to-wear clothing and other products presented as BA&SH-branded products. The website’s layout, product photography, and overall visual presentation closely replicate those displayed on the Complainant’s official website. There is no disclosure on the website indicating the absence of any relationship between the operator of the disputed domain name and the Complainant. On the contrary, the overall presentation of the website suggests that it is operated by, affiliated with, or endorsed by the Complainant.

The Respondent did not reply to the Complainant’s contentions and did not participate in these proceedings in any way.

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:

1. the Complainant is a French ready-to-wear fashion company operating under the BA&SH trademark, established internationally, with an official e-commerce website at “www.ba-sh.com” in operation since 2004 and a social media presence including an Instagram account followed by more than 1,300,000 users;
2. the Complainant is the owner of multiple registered trademarks for BA&SH / ba&sh in France and the European Union, covering, among other classes, clothing, footwear, headgear, accessories, jewelry, and related retail services, all of which predate the registration of the disputed domain name;
3. the disputed domain name is confusingly similar to the Complainant’s BA&SH trademark, as it reproduces the trademark in its entirety, the addition of the descriptive term “outlets” does not prevent a finding of confusing similarity, and the “.com” generic Top-Level Domain (“gTLD”) shall be disregarded as a standard registration requirement;
4. the Respondent has no rights or legitimate interests in the disputed domain name, has never been authorized by the Complainant to use its trademark, is not related in any way to the Complainant’s business, and is not commonly known by the disputed domain name;
5. the disputed domain name resolves to a website that reproduces the Complainant’s official logo and offers for sale products bearing the Complainant’s trademark, creating the impression that the website is operated by, or affiliated with, the Complainant;
6. given the notoriety and long-standing use of the Complainant’s trademark, the Respondent could not have been unaware of the Complainant’s rights at the time of registering the disputed domain name;
7. the Respondent’s conduct amounts to an opportunistic attempt to capitalize on the goodwill and reputation of the Complainant’s trademark for commercial gain;
8. the disputed domain name was registered and is being used in bad faith, as the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trademark.

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 Selected UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of the BA&SH trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name incorporates the Complainant’s BA&SH trademark in its entirety, in the form “bash”, the ampersand element of the mark not being reproducible in a domain name for technical reasons. The Panel finds the trademark is nonetheless clearly recognizable within the disputed domain name. The addition of the term “outlets” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark. [WIPO Overview 3.1](#), section 1.8.

The gTLD “.com” is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the Panel finds that 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 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 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 disputed 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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant has not licensed, permitted, or otherwise authorized the Respondent to use the BA&SH trademark. Notwithstanding what may be inferred from the registration details disclosed by the Registrar, there is no evidence that the Respondent is commonly known by the disputed domain name or that the Respondent holds any corresponding trademark rights.

The evidence on the record establishes that the disputed domain name resolves to a website that prominently reproduces the Complainant’s official logo and offers for sale products presented as BA&SH products, with product photography and overall visual presentation closely replicating those displayed on the Complainant’s official website.

The use of a disputed domain name incorporating the Complainant’s trademark for a website reproducing the Complainant’s logo and offering for sale products presented as BA&SH products, without any disclaimer of non-affiliation, creates a false impression that the website is operated by, authorized by, or otherwise affiliated with the Complainant.

Such use cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

Panels have consistently held that the use of a disputed domain name for passing off or other conduct falsely suggesting affiliation with a complainant can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

In the present case, the overall presentation of the website is plainly designed to pass itself off as the Complainant and falsely convey the impression that the website is operated by, or affiliated with, the Complainant.

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.

Accordingly, the Panel finds that 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 incorporates the Complainant's BA&SH trademark in its entirety, combined with the term "outlets", which directly references a retail sales concept associated with the Complainant's own line of business.

The disputed domain name resolves to a website reproducing the Complainant's official logo and offering for sale products bearing the Complainant's trademark, with imagery closely mirroring the Complainant's own authentic website.

The reproduction of the Complainant's trademark together with a term descriptive of the Complainant's own retail channel, and the content of the associated website, demonstrate that the Respondent was aware of and deliberately targeted the Complainant and its BA&SH trademark when registering the disputed domain name. The Respondent's selection of the disputed domain name, together with the reproduction of the Complainant's logo, product images, and website presentation, leaves no plausible explanation other than an intention to capitalize on the Complainant's reputation. [WIPO Overview 3.1](#), section 3.2.1.

The commercial presentation of the website and its offering for sale of products bearing the Complainant's trademark support the conclusion that the Respondent intentionally attempted to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website.

The Panel therefore finds that the circumstances fall within paragraph 4(b)(iv) of the Policy.

Panels have further held that the use of a disputed domain name to pass off as a complainant or otherwise falsely suggest affiliation may constitute bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the third element of the Policy has been established.

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 <bash-outlets.com> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/

Gonçalo M. C. Da Cunha Ferreira

Sole Panelist

Date: July 20, 2026