ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Fleischer Studios, INC. v. Do Khoi
Case No. D2026-2494

1. The Parties

The Complainant is Fleischer Studios, INC., United States of America (the "United States"), represented by Venable, LLP, United States.

The Respondent is Do Khoi, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <bettyboop.store> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 9, 2026. On June 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 11, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 11, 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 11, 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 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14, 2026.

The Center appointed Charles Gielen as the sole panelist in this matter on July 22, 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 an animation studio renowned for its groundbreaking techniques and iconic characters, most notably Betty Boop. Since its founding, the Complainant has played a major role in the development of animated entertainment. Today, the Complainant continues to actively manage and license its intellectual property rights, including those associated with Betty Boop and other well-known characters, to partners around the world.

The Complainant is the owner of several trade marks, among others the trade mark BETTY BOOP. It owns registrations in many countries and regions in the world, such as United States registration No. 2430642, registered on February 27, 2001, for goods in classes 6, 14, 18, 21, 25 and 26 and services in class 41; United States registration No. 2374258, registered on August 8, 2000, for goods in class 9; European Union trade mark No. 8596348, registered on August 11, 2011, for goods in classes 3, 14, 16, 18, 21, 24, and 25; and European Union trade mark No. 9166323, registered on November 25, 2010, for goods in classes 9, and 12, and services in classes 35, and 38. The Complainant principally markets the BETTY BOOP trade marks for consumer services and products, including but not limited to multimedia goods and services, clothing, jewelry, cosmetics, and collectibles. The Complainant also owns the domain name <bettyboop.com>, through which the services and products are offered for sale.

The disputed domain name was registered on April 20, 2026, and resolves to a website on which unauthorized BETTY BOOP products including, but not limited to, clothing, accessories, and home decor, are being offered for sale.

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 trade mark. It incorporates the Complainant's registered trade mark BETTY BOOP in its entirety. The addition of generic Top-Level Domain ("gTLD") ".store" is an insignificant addition which does not remove the likelihood of confusion between the trade mark and the disputed domain name, as it only indicates that the disputed domain name is registered in the gTLD ".store".

The Complainant argues that the Respondent does not have any rights or legitimate interests in the disputed domain name and gives several reasons for this. First, the Complainant contends that there is no evidence that the Respondent has been commonly known by the disputed domain name. Second, the Complainant contends that the Respondent had not received any license or consent, express or implied, to use the BETTY BOOP trade mark in a domain name or in any other manner. Third, the Complainant argues that there is no evidence of a bona fide offering of goods and services. The use of a domain name that incorporates a well-known trade mark to direct visitors to a website unconnected with the trade mark owner cannot constitute use in connection with a bona fide offering of goods and services or grant any right or legitimate interest. On the contrary, the Respondent uses the disputed domain name to offer unauthorized BETTY BOOP products for sale including, but not limited to, clothing, accessories, and home decor. In doing so, the Respondent has sought to take advantage of the Complainant's goodwill and the goodwill of the BETTY BOOP trade mark. It is impossible to conceive of a circumstance in which the Respondent could legitimately use the disputed domain name without creating a false impression of association with the Complainant.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith.

First, it is clear that the Respondent had knowledge of the BETTY BOOP trade mark at the time the Respondent registered the disputed domain name. The website to which the disputed domain name resolves includes multiple uses of the BETTY BOOP trade mark and countless images of the character Betty Boop. Second, the disputed domain name is used by the Respondent in an attempt to pass itself off as the Complainant. The website of the Respondent offers for sale unauthorized products under the false guise that they are authentic BETTY BOOP products when they are not. Third, the Complainant argues that the Respondent has registered the disputed domain name to purposefully disrupt the business of the Complainant, and its authorized website at the domain name <bettyboop.com>, and to create a likelihood of confusion with the BETTY BOOP trade mark.

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 trade mark 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 trade mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark BETTY BOOP 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.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

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.

Panels have held that the use of a domain name for an illegitimate activity such as, like in this case: sale of purportedly counterfeit or unauthorized products can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. The Panel agrees with the Complainant that it is impossible to conceive of a circumstance in which the Respondent could legitimately use the disputed domain name without creating a false impression of association with the Complainant.

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.

With respect to the registration of the disputed domain name, the Panel finds that the Respondent clearly had the trade mark of the Complainant in mind when registering the disputed domain name. It is inconceivable that the Respondent would not have known the existence of the trade mark of the Complainant used in so many countries in the world. This follows from the fact that the website to which the disputed domain name resolves shows this trade mark as well as many pictures of the character Betty Boop. The bad faith use of the disputed domain name is established by the use of this mark for unauthorized products. The Panel agrees with the Complainant that the Respondent has registered the disputed domain name to purposefully disrupt the business of Complainant, and its authorized website at the domain name <bettyboop.com>, and to create a likelihood of confusion with the BETTY BOOP trade mark. Such use is a clear example of bad faith use.

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 <bettyboop.store> be transferred to the Complainant.

/Charles Gielen/
Charles Gielen
Sole Panelist
Date: July 30, 2026