ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Sazerac Brands, LLC v. miller miller
Case No. D2026-2559

1. The Parties

The Complainant is Sazerac Brands, LLC, United States of America, represented by Dorsey & Whitney, LLP, United States of America ("USA")

The Respondent is miller miller, USA.

2. The Domain Name and Registrar

The disputed domain name <buffalotracemerch.com> is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 11, 2026. On June 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 16, 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 (Registrant Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 16, 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 16, 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 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2026.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on July 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

The Complainant is a substantial family-owned LLC registered in the State of Delaware, USA which markets and sells a large variety of alcoholic beverages including, notably, bourbon whiskey sold under the trademarked brand BUFFALO TRACE. The Complainant also sells numerous other products, such as glasses, drinking accessories, apparel and foods under its BUFFALO TRACE mark and brand. The Complainant owns numerous trademarks in a large variety of classes for BUFFALO TRACE, both alone and in connection with its logo; the first of these appears to be United States Patent and Trademark Office registration 2,294,792, registered November 23, 1999, for the trademark BUFFALO TRACE for bourbon in class 33. Since that time the Complainant has obtained numerous registrations covering a wide variety of product classes, both in the USA and internationally.

The Complainant is also very active in using and promoting its BUFFALO TRACE trademark on social media and in selling its products on the Internet; including through its online store at "shop.buffalotracedistillery.com".

Little is known concerning the Respondent, who appears to be an individual in the State of Kentucky, USA.

The disputed domain name was registered on February 7, 2026, and resolves to a purported "official" merchandise website displaying the Complainant's BUFFALO TRACE mark and logo.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the three elements required under the Policy for a transfer of the disputed domain name.

The Complainant contends that the incorporation of its trademarks in the disputed domain name is unauthorised and renders the disputed domain name confusingly similar to these trademarks and, in light of the renown and commercial importance of the Complainant's trademarks, could only have been registered and used in bad faith, notably with a motive to profit from the good will created in the Complainant's trademarks and brand. To this end, the Complainant provides evidence that the Respondent's "Checkout" page is used for a "payment card skimming" operation, as attempting to place an order results in an order confirmation regardless of whether payment and contact information has been entered.

The Complainant requests that the disputed domain name be transferred to it.

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 required to be proven under the Policy functions as a genre of 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.

In the instant case the disputed domain name begins with and recites the entirety of the Complainant's trademark followed by the slang abbreviation "merch" (merchandise). The addition of the abbreviation merch does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's marks, see e.g., *George Strait Productions, Inc. v. Prodip Mondal*, WIPO Case No. D2026- 1248, and is relevant for the bad faith analysis below.

The Panel accordingly finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complaint makes clear that the Respondent is not licensed by, authorised by or affiliated with the Complainant in any way and that it has no knowledge or good faith belief that the Respondent has any rights or legitimate interests in the disputed domain name.

It is furthermore obvious that the Respondent is not commonly known by the disputed domain name or a name corresponding to the disputed domain name.

The file in this matter reveals no indication that the Respondent has used the disputed domain name in connection with a bona fide offering of goods and services or that there is any legitimate noncommercial or fair use of the Complainant's trademark, and the Complainant denies that this could be the case. To the contrary, there is evidence of illegitimate use of the Complainant's trademark in order to divert Internet users and profit from confusion engendered by the disputed domain name, apparently via a fraudulent payment scheme.

In any event, it is long accepted in UDRP case law and jurisprudence that a complainant needs to demonstrate at least a prima facie case that the respondent has no rights or legitimate interests in respect of the disputed domain name (see *Croatia Airlines d.d. v. Modern Empire Internet Ltd*., WIPO Case No. D2003- 0455). Where such a prima facie case is made, the burden of production shifts to the respondent to demonstrate that it has rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy (see also, *Meizu Technology Co., Ltd. v. "osama bin laden",* WIPO Case No. DCO2014-0002; *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsanya Odunayo Emmanuel and Nelson Rivaldo,* WIPO Case No. D2014-0225).

The Respondent has here not answered the Complaint and the Complainant has established at least such a prima facie case; the Complainant has therefore met its burden of proof under paragraph 4(a)(ii) of the Policy.

The Panel thus finds that the second element of the Policy has been established by the Complainant.

C. Registered and Used in Bad Faith

The Complainant has here established that its distinctive trademarks are well known and integral to its business. It appears evident to the Panel that the Respondent did not stumble on the disputed domain name by accident or serendipity, but rather with an improper purpose of making use of the goodwill attaching to the Complainant's trademarks for its own profit. The addition of the suffix "merch" to the disputed domain name to the disputed domain name further demonstrates the Respondent's intent to make use of the Complainant's well-known trademarks and brand for its own improper commercial activity. It is thus clear to the Panel that the disputed domain name can only have been registered in bad faith.

The bad faith use of the disputed domain name is also evident. This is because the disputed domain name has been shown to resolve to a website that offers, or purports to offer, for purchase "authentic" apparel, barware, and other gear "inspired" by the Complainant's award winning BUFFALO TRACE distillery, apparently in furtherance of a fraudulent payment scheme. This is a clear bad faith use of the disputed domain name with an intent to attract and mislead Internet users for the Respondent's gain by faking an affiliation with the Complainant's BUFFALO TRACE trademark and brand.

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

7. Decision

For all the foregoing reasons, and in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <buffalotracemerch.com> be transferred to the Complainant.

/Nicolas Ulmer/
Nicolas Ulmer
Sole Panelist
Date: August 10, 2026