ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Bottle & Press, LLC v. huapusjmn huapusjmn
Case No. D2026-2563

1. The Parties

The Complainant is Bottle & Press, LLC, United States of America ("United States" or "U.S."), represented by Kolitch Romano Dascenzo Gates LLP, United States.

The Respondent is huapusjmn huapusjmn, United States.

2. The Domain Name and Registrar

The disputed domain name <shopstraightawaycocktails.shop> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 12, 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 12, 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 (Withheld For Privacy ehf) 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 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2026.

The Center appointed R. Eric Gaum as the sole panelist in this matter on July 13, 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 beverage company that sells canned cocktails, liqueurs, and vermouth, and operates its website at "www.straightawaycocktails.com".

The Complainant owns U.S. Trademark Registration No. 5,705,207 for the word mark STRAIGHTAWAY in International Class 25 for "sports caps and hats; T-shirts" and International Class 33 for "alcoholic beverages except beers; pre-mixed alcoholic beverages, other than beer-based; prepared alcoholic cocktail." The first use and first use in commerce claimed for both classes is December 4, 2018 and the trademark was registered on March 19, 2019.

The disputed domain name was registered on March 11, 2026. According to the Complainant, the Respondent is using the Complainant's STRAIGHTAWAY mark and its images throughout the website at the disputed domain name, and purportedly offering the Complainant's products for sale. The disputed domain name does not currently resolve to a website.

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 the following:

The disputed domain name is identical and/or confusingly similar to the STRAIGHTAWAY mark, in which the Complainant has rights. The Complainant is a well-known beverage company that sells a very successful line of canned cocktails, liqueurs, and vermouth under the mark STRAIGHTAWAY, including in grocery stores, liquor stores, at events, at restaurants and bars, on Alaska Airlines flights, and through its online retail store located at the website "www.straightawaycocktails.com". The Complainant has been using its STRAIGHTAWAY mark for its canned cocktails since at least as early as December 4, 2018.

The Complainant has invested substantial amounts of time and resources in building, promoting, maintaining, and protecting its rights in its STRAIGHTAWAY mark, including, without limitation, obtaining a trademark registration for the STRAIGHTAWAY mark in the United States. For example, the Complainant owns U.S. Trademark Registration No. 5705207 for the mark STRAIGHTAWAY in connection with "Sports caps and hats; T-shirts" in International Class 25 and "Alcoholic beverages except beers; Pre-mixed alcoholic beverages, other than beer-based; Prepared alcoholic cocktail" in International Class 33.

Due to the Complainant's extensive use and promotion, and the resulting commercial success, the Complainant has built up tremendous and valuable goodwill in its STRAIGHTAWAY mark in connection with its products. Furthermore, given the amount of advertising, sales, and immediate public recognition in connection with the Complainant's STRAIGHTAWAY product, the STRAIGHTAWAY mark is well-known and has become a distinctive identifier which consumers associate with the Complainant.

For example, the Complainant entered into a partnership with Alaska Airlines in 2023 to offer Alaska Airlines' 40 million yearly passengers select STRAIGHTAWAY products on flights over 350 miles, as discussed in an article published by Craft Spirit Magazine on January 31, 2023.

The Complainant's STRAIGHTAWAY products have received several awards. For example, the judging panel at the 2025 Bartender Spirits Awards awarded the Complainant's canned STRAIGHTAWAY Mai Tai cocktails "ready to drink" of the year and best spirit by package, as well as awarding them a gold medal designation.

The Complainant's STRAIGHTAWAY Seville Spritz also received a gold medal designation at the 2025 Bartender Spirits Awards. Additionally, the Complainant received several Reader's Choice Awards from USA Today 10BEST in 2025, including number six on their Best Spirit Tasting Room list, number seven on their Best Canned Cocktail Company list, and number seven on their Best Craft Specialty Spirits list.

The Complainant has legitimate rights and interest in its distinctive STRAIGHTAWAY mark, on which this Complaint is based.

To the best of the Complainant's knowledge and belief, the disputed domain name which is the subject of this Complaint was registered by the Respondent on March 11, 2026, well after the Complainant established rights in its STRAIGHTAWAY mark and gained widespread publicity. The disputed domain name is identical and/or confusingly similar to the Complainant's STRAIGHTAWAY mark.

The disputed domain name incorporates the Complainant's STRAIGHTAWAY mark in its entirety, with the mere addition of the descriptive words "shop" and "cocktails" surrounding the STRAIGHTAWAY mark. The Complainant's STRAIGHTAWAY mark is highly recognizable within the disputed domain name. Additionally, the phonetic pronunciations of the STRAIGHTAWAY portion of the dispute domain name and the Complainant's STRAIGHTAWAY mark are identical.

The addition of descriptive words "shop" and "cocktails" fails to prevent a likelihood of confusion between the disputed domain name and the Complainant's well-known STRAIGHTAWAY mark.

The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not sponsored by or affiliated with Complainant. The Respondent has not received any license, authorization, or permission from the Complainant to use its STRAIGHTAWAY mark in any manner, including in domain names. Additionally, the Complainant's use and popularity of its STRAIGHTAWAY mark predates the creation date of the disputed domain name by the Respondent.

To the best of the Complainant's knowledge, the Respondent is not commonly known by the disputed domain name or any name that incorporates the word "Straightaway." Instead, the Respondent's use of the website appears primarily to be for the purpose of disrupting and diverting the business of the Complainant, and not for any legitimate interest.

The disputed domain name's website appears to have been intentionally designed to fraudulently suggest affiliation with the Complainant. For example, the disputed domain name's website prominently displays the Complainant's STRAIGHTAWAY mark (along with other marks of the Complainant, including the ACCOMPANI mark) in combination with images of the Complainant's goods copied from the Complainant's website. The disputed domain name's website prominently displays a stylized cherry garnish logo on the upper left of its website and as a website tab icon that is identical to the Complainant's cherry garnish element of its logo and the website tab icon used on its own website.

Use of a cherry garnish logo and website tab icon so strongly resembling the Complainant's mark is likely intended to deceive visitors into believing that the disputed domain name's website is operated by the Complainant. The disputed domain name's website features misappropriated copyrighted images owned by the Complainant, all without the authorization or approval of the Complainant. Multiple images that appear on the disputed domain name's website are misappropriated from the Complainant's website.

Overall, to the best of the Complainant's knowledge, the Respondent's use of the disputed domain name appears primarily to be for the purpose of disrupting and diverting the business of the Complainant, and not for any legitimate interest or bona fide offering of goods and/or services. The Respondent cannot claim any

legitimate noncommercial or fair-use rights in the disputed domain name. Instead, the purpose of the disputed domain name's website is for commercial gain, and to capitalize on the reputation and goodwill associated with Complainant's STRAIGHTAWAY mark. The Respondent's use of the Complainant's STRAIGHTAWAY mark in the disputed domain name and throughout the underlying website in connection with similar and/or infringing goods of the Complainant's goods offered under its STRAIGHTAWAY mark indicates the Respondent's intent to use the STRAIGHTAWAY mark to create the false impression of an association with the Complainant. This is further evidenced by the Respondent's use of the Complainant's stylized logo and the Complainant's images throughout the disputed domain name's website.

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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7

Although the addition of other terms here, "shops", and "cocktails", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

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 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 clearly designed its website at the dispute domain name to suggest affiliation with the Complainant. For example, the disputed domain name's website prominently displays the Complainant's STRAIGHTAWAY mark in combination with exact copies of images of the Complainant's goods copied from the Complainant's website.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1. Panels have held that the use of a domain name for illegitimate and illegal activity here, claimed copycat sites, passing off, or other types of fraud constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <shopstraightawaycocktails.shop> be transferred to the Complainant.

/R. Eric Gaum/
R. Eric Gaum
Sole Panelist
Date: July 27, 2026