ADMINISTRATIVE PANEL DECISION
Red Matter Holdings Inc. (d/b/a MiN NEW YORK) v. Anirudh Jhawar, The Scent Stories
Case No. D2026-2697

1. The Parties

The Complainant is Red Matter Holdings Inc. (d/b/a MiN NEW YORK), United States of America ("United States"), self-represented.

The Respondent is Anirudh Jhawar, The Scent Stories, India, represented by Anand & Anand, India.

2. The Domain Name and Registrar

The disputed domain name <thescentstories.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 20, 2026. On June 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 23, 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 ("The Scent Stories" / Domain Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 25, 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 25, 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 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2026. The Response was filed with the Center on July 19, 2026. On the same day, the Complainant submitted an unsolicited supplemental filing.

The Center appointed Jeremy Speres as the sole panelist in this matter on August 4, 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 operates a luxury fragrance house, MiN NEW YORK. Its SCENT STORIES collection of perfumes has been in continuous commercial use since 2013 and is sold through the Complainant's primary web presence at its domain name <min.com> and through retail partners, including Bergdorf Goodman.

The Complainant owns United States Trademark Registration No. 4620007 SCENT STORIES in class 3, having a registration date of October 14, 2014, and a use in commerce date of September 1, 2013.

The Respondent is an independent, multi-brand perfume retailer operating in India under the THE SCENT STORIES mark. It uses the disputed domain name, which was registered on November 3, 2025, for this purpose.

The Respondent owns Indian Trademark Registration No. 7284272 THE SCENT STORIES in class 35, registered as of October 10, 2025.

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 was registered and used in bad faith under paragraph 4(b)(iv) for the following reasons: The Respondent, operating in the identical fragrance field, had constructive and likely actual notice of the Complainant's earlier incontestable SCENT STORIES mark, and uses a confusingly similar domain name to intentionally attract Internet users, for commercial gain, to a competing perfume storefront by creating a likelihood of confusion with the Complainant.

B. Respondent

The Respondent contends that the disputed domain name was not registered or used in bad faith because it adopted THE SCENT STORIES mark in India in good faith in 2019, wholly unaware of Complainant or its mark, since the Complainant has no presence, reputation, or valid trademark rights in India. It further contends it is the prior user and prior owner of the mark in India, distributing genuine third-party luxury perfumes rather than trading on Complainant's reputation.

6. Discussion and Findings

A. Procedural Issue – Supplemental Filing

The Complainant filed an unsolicited, lengthy Supplemental Filing.

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance, foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present its case. Paragraph 10(b) of the Rules; *Societé aux Loteries en Europe, SLE v. Take That Ltd.*, WIPO Case No. D2007-0214; WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.6.

The Panel declines to admit the Complainant's Supplemental Filing because it is entirely directed towards material and arguments that could have been anticipated prior to filing the Complaint. Notably, the creation date of the disputed domain name was only a WhoIs / RDAP search away. The Internet Archive chronology for the Respondent's Indian website was equally available at any point before filing of the Complaint, and the United States checkout and Internet search evidence simply required visiting the disputed domain name's website and running an Internet search.

In the ordinary course, it could possibly be argued that the Complainant might not have been able to anticipate the Respondent's arguments based upon the Respondent's own Indian trademark registration. However, towards the end of the Complaint, the Complainant included a page headed "Drafting Notes for Counsel (remove before filing)". One of the drafting notes retained there stated as follows: "India registration of 'The Scent Stories' / ® usage: a foreign local registration does not defeat a UDRP complaint based on Complainant's rights; the Panel assesses confusing similarity against Complainant's mark regardless of where Respondent sits (WIPO Overview 3.1, § 1.1.2). Run an Indian TM search to anticipate the defense and to assess whether a parallel India action is warranted."

It is likely that the Complainant used an Artificial Intelligence ("AI") program to assist in drafting the Complaint, and the Complainant appears to have neglected to remove the drafting notes supplied by that program. The drafting note quoted above specifically shows that the Complainant would have been aware of the possibility of a defence based upon a trademark registration in the hands of the Respondent, and the Complainant was advised to run a search in India, which the Panel notes could have been done freely and easily online, especially with the assistance of an AI program. The Complainant therefore cannot be said not to have anticipated the defence based on the Indian trademark registration.

The Panel declines to admit the Supplemental Filing.

B. 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 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 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 "the", may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

C. Rights or Legitimate Interests

In light of the Panel's findings in relation to the third element below, there is no need to consider the second element.

D. Registered and Used in Bad Faith

The Panel finds that the Complainant has not met its burden of proving bad faith on the balance of probabilities.

The Complaint contains no allegation, let alone any evidence showing, that the Complainant's SCENT STORIES mark has any reputation in India or has been used there at all. More broadly, the Complainant does not claim that its mark is globally reputed, either. In the circumstances, there is no evidence in the record establishing why it should be inferred that a Respondent based in India would or should have been familiar with the Complainant's mark. It is worth noting in this regard that the Complainant's own designation of India under International Trademark Registration No. 1385139 for the mark SCENT STORIES was refused, and the Respondent's own trademark application subsequently proceeded to registration in India. While not determinative, the refusal of the Complainant's designation of India further illustrates that the record does not establish trademark rights for the Complainant in India.

The Respondent's evidence, including sales records and invoices, establishes genuine use of its THE SCENT STORIES mark in India since at least 2022 in respect of what appears to be a bona fide business. Apart from the similarities between the Parties' respective marks, there is no other indication of cybersquatting, e.g. in the form of similar logos, colour schemes or other material calculated to pass off the Respondent's business as being connected to the Complainant's.

The Respondent's mark, THE SCENT STORIES, consists of descriptive words directly relevant to its business, and it is entirely plausible that a third party might have independently conceived of this mark without any knowledge of, or intention to target, the Complainant's mark.

The Panel finds the third element of the Policy has not been established.

E. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. WIPO Overview 3.1, section 4.16.

The Panel has considered whether the Complaint was brought in bad faith, as it is entitled to do despite the fact that the Respondent has not requested such a finding. WIPO Overview 3.1, section 4.16.

The Panel has already noted, in connection with the Supplemental Filing, that the Complaint retained internal drafting notes that were evidently intended for removal before submission, and that those notes show the Complainant anticipated a defence based on the Respondent’s Indian trademark registration without adequately investigating it before filing. Although the Panel’s finding above does not turn on the Respondent's Indian trademark registration as such, those drafting notes should have alerted the Complainant to the real possibility that the Respondent operates a bona fide business in a different jurisdiction not covered by the Complainant’s trademark rights. Proceeding without investigating that, and without any evidence showing why the Respondent, based in India, should have been aware of the Complainant’s mark, was remiss of the Complainant.

Carelessness of this kind is not, however, the same as bringing a Complaint in bad faith. The Panel notes that the Complainant is unrepresented, and that it holds a trademark registration that predates the disputed domain name’s registration and the claimed 2019 first-use date by the Respondent of its name, which is almost identical to the Complainant’s mark. It was therefore not entirely unreasonable of the Complainant to have brought the Complaint, and, while the Complaint was inadequately investigated before filing, the Panel is not persuaded that it was brought with knowledge that it could not succeed.

The Panel therefore declines to find that the Complaint was brought in bad faith or constitutes RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/
Jeremy Speres
Sole Panelist
Date: August 18, 2026