WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Baobab Collection v. Kelsie Fiqueroa
Case No. D2026-2854

1. The Parties

The Complainant is Baobab Collection, Belgium, represented by Cabinet Bouchara - Avocats, France.

The Respondent is Kelsie Fiqueroa, United States of America.

2. The Domain Name and Registrar

The disputed domain name <baobaboutlet.shop> 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 30, 2026. On July 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 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 July 3, 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 July 3, 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 July 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 3, 2026.

The Center appointed Charles Gielen as the sole panelist in this matter on August 6, 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 in the field of refined scented products (candles, diffusers, home fragrances, body wellness) and is a pioneer in the creation of large multi-wick candles with sophisticated fragrances. The Complainant enjoys a high reputation in its field of specialty and is the owner of several trade marks duly registered and renewed to designate notably "scented candles" and various "perfume products", including European Union Trade Mark No. 015019292 for the word mark BAOBAB, registered on August 22, 2016, for goods in classes 3, 4, 5, 18, 20 and 21 and services in class 34. The Complainant also owns French trade mark registrations for figurative marks, among others consisting of the words BAOBAB COLLECTION in a special spelling and a picture of a tree, No. 4706242, registered on November 27, 2020, in classes 3, 4 and 21 and No. 4706237, registered on November 27, 2020, for goods in classes 3 and 4 and services in class 41.

The Complainant also owns the domain name <baobabcollection.com>, through which the products are offered for sale.

The disputed domain name was registered on registered on April 2, 2026, and resolves to a website on which unauthorized, very low priced and therefore possibly counterfeit products are being offered for sale using the trade marks of the Complainant.

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 word mark BAOBAB. The disputed domain name incorporates this trade mark in its entirety and the only difference between the disputed domain name and this trade mark is the addition of the descriptive term "outlet" for the disputed domain name. The addition of the generic Top-Level Domain ("gTLD") ".shop" shall be disregarded as a standard registration requirement when assessing the similarity between a trademark and a domain name.

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 Respondent did not, at any time, obtain any authorization to reproduce the Complainant's trade mark BAOBAB within a domain name and has never been authorized, licensed or otherwise permitted by the Complainant to register or use a domain name incorporating the Complainant's trade mark BAOBAB. Second, the Respondent could not have ignored the Complainant's trade marks at the time it registered the disputed domain name since the Complainant had already been highly active throughout the world for many years. Third, the Respondent uses the disputed domain name for a website on which unauthorized products are being sold, which are very low priced and are probably counterfeit. Such illegal activity can never confer any right or legitimate interest.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. First, the Complainant argues that the registration of the disputed domain name was performed in bad faith, since the Respondent could not possibly have been unaware of the Complainant's activities and the Complainant's trade marks. On the contrary, the Respondent is free riding on the worldwide reputation of the Complainant and the Complainant's trade marks in order to attract Internet users to the disputed website, by creating a likelihood of confusion with the Complainant's trade marks for commercial gain. Second, the Complainant argues that the Respondent is in bad faith since on its website it uses the trade marks of the Complainant and pictures used by the Complainant and protected by copyright. In doing so, the Respondent suggests that the Complainant is affiliated with or, sponsors the Respondent's website. Such use of the disputed domain name shows that the Respondent has intentionally attempted to attract Internet users to an on-line location by creating confusion with the Complainant's trade marks. Third, the bad faith follows from the fact that the products on the website using the Complainant's trade marks are very low priced and are probably counterfeit.

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 Panel finds that the disputed domain name is confusingly similar to the Complainant's BAOBAB trade mark. It contains the Complainant's trade mark in its entirety and the only difference between the disputed domain name and the Complainant's trade mark is that the disputed domain name has the additional word "outlet" after the Complainant's trade mark. This difference does not prevent the finding of confusing similarity between the trade mark and the disputed domain name. 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.

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 BAOBAB 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 BAOBAB as well as other trade marks of the Complainant. The bad faith of the Respondent in using the trade mark of the Complainant in its domain name clearly follows from the fact that the website of the Respondent displays the different trade marks used by the Complainant as well as pictures of the website and the products of the Complainant, indicating the Respondent’s intention to impersonate the Complainant or at least to imply an affiliation with it for commercial gain. Such use is use in bad faith under the Policy. Finally, the bad faith use of the disputed domain name is established by the use of this mark for unauthorized products, which in view of the very low prices are probably counterfeit. 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 <baobaboutlet.shop> be transferred to the Complainant.

/Charles Gielen/
Charles Gielen
Sole Panelist
Date: August 13, 2026