

ADMINISTRATIVE PANEL DECISION

Boll & Branch LLC v. Lar Frank

Case No. D2026-2905

1. The Parties

The Complainant is Boll & Branch LLC, United States of America (“United States”), represented by Keating Muething & Klekamp PLL, United States.

The Respondent is Lar Frank, Philippines.

2. The Domain Name and Registrar

The disputed domain name <bollandbranchmalls.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2026. On July 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 User #6b4383a7, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 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 July 10, 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 July 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 10, 2026.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on August 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, based in the United States, is an internationally recognized luxury textile company.

Founded in 2014, the Complainant offers high-quality luxury bedding products and apparel, including robes and sleepwear.

The Complainant is the owner of numerous trademark registrations incorporating the BOLL & BRANCH trademark, including, inter alia:

- United States Trademark Registration No. 4769218 for BOLL & BRANCH (word), registered on July 7, 2015, for goods in International Class 24;
- United States Trademark Registration No. 7498960 for BOLL & BRANCH (word), registered on September 10, 2024, for goods in International Classes 20, 25, and 27; and
- United States Trademark Registration No. 5585449 for BOLL & BRANCH (word), registered on October 16, 2018, for goods in International Classes 20 and 24.

The Complainant operates the official domain name <bollandbranch.com>.

The disputed domain name was registered on June 1, 2026. The disputed domain name does not resolve to an active website. The website does not load the intended content and displays a generic error message stating that the store is unavailable.

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.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the BOLL & BRANCH trademark.

The Complainant further alleges that the disputed domain name, which incorporates the BOLL & BRANCH trademark in its entirety with the mere addition of the term "malls", is confusingly similar to the Complainant's BOLL & BRANCH trademark.

No Rights or Legitimate Interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain name.

There is no evidence of the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain name by the Respondent. Moreover, the composition of the disputed domain name which incorporates the BOLL & BRANCH trademark in its entirety carries a risk of implied affiliation of the disputed domain name with the Complainant.

Registered and Used in Bad Faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant first considers that the registration of a domain name that is confusingly similar to a widely known trademark, as is the case here, creates a presumption of bad faith. The Complainant adds that the Respondent knew or should have known of the Complainant's trademark rights at the time of registration of the disputed domain name, considering the reputation and distinctiveness of the BOLL & BRANCH trademark, which were widely used in commerce well before the registration of the disputed domain name. The Complainant also asserts that the lack of active use of the disputed domain name does not prevent a finding of bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- ii. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- iii. that the disputed domain name has been registered and is being used in bad faith.

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 that the Complainant's BOLL & BRANCH trademark is recognizable within the disputed domain name. The disputed domain name reproduces the Complainant's mark, with the ampersand ("&") being replaced by the word "and". Neither this replacement nor the addition of the term "malls" does not prevent a finding of confusing similarity. In accordance with section 1.8 of the [WIPO Overview 3.1](#), the addition of descriptive or other terms does not prevent a finding of confusing similarity where the Complainant's mark remains clearly recognizable within the disputed domain name.

The Panel further notes that the generic Top-Level Domain ".com" is required only for technical reasons and is generally disregarded for the purposes of comparison of the Complainant's marks to the disputed domain name. [WIPO Overview 3.1](#), section 1.11.1.

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 evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent is not making legitimate noncommercial or fair use of the disputed domain name or use it for a bona fide offering of goods or services, because the disputed domain name does not direct to an active website. The Respondent has not been authorized by the Complainant to use the Complainant's trademark in a domain name.

There is no evidence that, before notice of the dispute, the Respondent made any demonstrable preparations to use the disputed domain name in connection with a legitimate offering of goods or services.

The Panel notes the Complainant's assertion that the website at the disputed domain name initially featured an exact mirror image of the Complainant's website at <bollandbranch.com>, but the record contains no evidence of such. However, the Panel considers, on balance and with no response, that the composition of the disputed domain name signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

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.

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.

This case presents the following circumstances which indicate under the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the Respondent has not formally responded to the Complaint;
- b) the reputation and distinctiveness of the Complainant's trademark;
- c) the inactive status of the disputed domain name, which does not prevent a finding of bad faith under the passive holding doctrine ([WIPO Overview 3.1](#), section 3.3);
- d) the Respondent's choice to retain a privacy protection service.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. On the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name which includes the Complainant's BOLL & BRANCH trademark, with the ampersand replaced by "and", accompanied with the element "malls" which is a common term used in the sector in which the Complainant performs its business, the absence of a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <bollandbranchmalls.com> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: September 2, 2026