ADMINISTRATIVE PANEL DECISION

Scentbird Inc. v. xi bai
Case No. D2026-3033

1. The Parties

Complainant is Scentbird Inc., United States of America ("United States"), represented by Cole-Frieman & Mallon, LLP, United States.

Respondent is xi bai, United States.

2. The Domain Name and Registrar

The disputed domain name <drifftshop.org> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 9, 2026. On July 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 13, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on July 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 17, 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 Respondent of the Complaint, and the proceedings commenced on July 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 14, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on August 24, 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

Complainant operates a United States-based subscription service for fragrances and fragrance-related products. Complainant first began using DRIFT as a trademark for the service, air deodorizers and fragrances and related products as early as 2019, and owns the following registrations (the "DRIFT Marks"):

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
DRIFT (Design)	United States	5	6,321,131	April 13, 2021
DRIFT	United States	5, 35	6,332,127	April 27, 2021
DRIFT	United States	3, 4, 35	7,931,659	September 2, 2025

Complainant's primary website is operated under the <drift.co> domain name and Complainant uses the DRIFT Marks on numerous online platforms.

The disputed domain name was registered on March 25, 2026. Complainant provided evidence indicating that as of July 7, 2026, the disputed domain name resolved to a website providing an online retail store selling fragrance products under the DRIFT Marks, other branded products of Complainant, and copying the brand styling, graphics, layout and writing content of Complainant's website.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that it has rights in the DRIFT Marks as evidenced herein, that the Top-Level Domain of the disputed domain name should be disregarded for purposes of first element analysis, and that the disputed domain name is practically identical to the DRIFT Marks because the DRIFT Marks are recognizable within the disputed domain name based on an aural or phonetic comparison.

Complainant contends Respondent should be considered to have no rights or legitimate interests in the disputed domain name. Complainant asserts that Respondent has not been assigned, granted, licensed, sold, transferred or in any way authorized by Complainant to register or use the DRIFT Marks in any manner and has no association with Complainant. Complainant contends that Respondent's usage of the DRIFT Marks in the disputed domain name is an attempt to gain credibility for the services offered by misleading users into believing there is an association with Complainant. Complainant contends Respondent cannot establish rights or legitimate interests because Respondent's use of Complainant's DRIFT Marks misleadingly diverts consumers under the doctrine of "initial interest confusion", citing *CBS Broadcasting Inc., f/k/a CBS Inc v. Nabil Z. aghloul*, WIPO Case No. D2004-0988.

Complainant contends that the disputed domain name should be considered to have been registered and used in bad faith because: (1) Respondent registered the disputed domain name knowing it was identical or confusingly similar to Complainant's alleged famous mark; (2) Respondent incorporated the DRIFT Marks into the disputed domain name without plausible explanation; (3) Respondent used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with Complainant's DRIFT Marks as to source, sponsorship, affiliation, and endorsement of the website; Respondent's actions are intentionally designed to mislead consumers into believing that its website and products are affiliated with, sponsored by, or endorsed by Complainant, when no such relationship exists; (4) Respondent's website reproduced Complainant's product line and replicated Complainant's overall website design, layout, graphics, product imagery, written content, and brand presentation, which created the false and misleading impression that the website operating at the disputed domain name is Complainant's own authorized storefront; and (5) Respondent's prior conduct in *Scentbird Inc. v. xi bai*, WIPO Case No. D2026-2230 indicates Respondent was on notice of Complainant's rights and the infringing nature of Respondent's conduct and establishes a pattern of bad faith conduct by Respondent.

B. Respondent

Respondent did not reply to 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 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 as a typosquatting replication of the mark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 1.9.

Although the addition of other terms here, "shop", 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.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 illegal activity here, the claimed copycat website of Respondent, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 Respondent was clearly aware of the DRIFT Marks prior to registering the disputed domain name based on the fact that Respondent has used the disputed domain name to create and operate a website that copies numerous aspects of Complainant's website while attempting to market and sell numerous products appearing to the same as Complainant's products. The Panel also notes that the disputed domain name in *Scentbird Inc. v. xi bai*, WIPO Case No. D2026-2230, involving the same parties as here, was identical to the disputed domain name in this case with merely a different Top-Level Domain. This illustrates a pattern of bad faith conduct, and an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's DRIFT Marks through impersonation of Complainant.

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 here, the claimed copycat website of Respondent, 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.

Panels have also held a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. Noting the Respondent's conduct of registering two domain names that target Complainant's mark, Respondent's pattern of bad faith conduct has clearly been established.

The Panel finds that 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 <drifftshop.org> be transferred to Complainant.

/Timothy D. Casey/
Timothy D. Casey
Sole Panelist
Date: September 8, 2026