

ADMINISTRATIVE PANEL DECISION

Kohler Co. v. Clara C Clark
Case No. D2026-3034

1. The Parties

Complainant is Kohler Co., United States of America ("United States"), represented by Elster & McGrady LLC, United States.

Respondent is Clara C Clark, United States.

2. The Domain Name and Registrar

The disputed domain name <jacobdelafonshop.com> is registered with Gname.com Pte. Ltd. ("Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center ("Center") on July 9, 2026. On July 10, 2026, the Center transmitted by email to Registrar a request for registrar verification in connection with the disputed domain name. On July 13, 2026, Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint identified "Redacted for Privacy"). The Center sent an email communication to Complainant on July 14, 2026, providing the registrant and contact information disclosed by Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 16, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy ("Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy ("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 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 12, 2026.

The Center appointed Debra J. Stanek as the sole panelist in this matter on August 21, 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's subsidiary, Jacob Delafon, was founded in 1889 and sells baths, showers, sinks, and related goods.

Complainant owns trademark registrations for the mark JACOB DELAFON for, among other things, sinks, showers, toilets, and bathtubs, including:¹

- French Reg. No. 96646493, registered October 17, 1996.
- United Kingdom Reg. No. UK00900108027, registered March 24, 1999.
- Japanese Reg. No. 5963523, registered July 14, 2017.

Complainant owns and operates a website at the <jacobdelafon.com> domain name.

The disputed domain name was registered on November 11, 2024. The Complaint alleges that at the time of filing, it resolved to an English language website that offers similar plumbing products, sinks, toilets, bathtubs, and the like. As of the date of this decision, it resolved to a French language website that offers those types of products.²

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.

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

- The disputed domain name consists of the entire JACOB DELAFON mark followed by "shop."
- Respondent is not using the disputed domain name in connection with a bona fide offering. Instead, it is using it to impersonate Complainant by:
 - featuring the JACOB DELAFON design mark, font, favicon, photos, and color scheme on the website associated with the disputed domain name.
 - representing the site as that of Complainant.
- Complainant has received complaints from consumers who indicated that after making purchases from the site at the disputed domain name, they did not receive the products.

¹ Complainant provided printouts from the Global Brand Database as evidence of other registrations that the Panel did not consider. While the Global Brand Database is, in the Panel's experience, an accurate and useful tool, the Rules, paragraph 3(b)(xiv), require a complainant to include in an annex to the complaint "a copy of [...] any trademark or service mark registration upon which the complaint relies." It is not clear that these printouts fulfill that requirement, particularly in light of the disclaimer that each bears: "Global Brand Database does not ensure the correctness nor [sic] the completeness of the information."

² It is, of course, possible that between the filing of the Complaint and the time of this decision, Respondent changed the language of its website. It seems more likely, however, that Complainant translated them, in which case, the fact of translation ought to have been disclosed.

- Complainant has not authorized Respondent's use of the JACOB DELAFON mark and Respondent has never been known by, or used the name or mark.
- Respondent has a history registering domain names that incorporate or reference the marks of others.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

The Panel determines that "Clara C Clark" is the appropriate Respondent. See [WIPO Overview 3.1](#), section 4.4.5 (in cases involving a privacy service, the panel has discretion to determine the appropriate respondent).

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 3.1](#), section 1.7.

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 disputed domain name is not identical to Complainant's mark; however, the entire mark (minus the space between "jacob" and "delafon") is reproduced in the disputed domain name, and the JACOB DELAFON mark is recognizable within it. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The addition of the term "shop" may bear on assessment of the second and third elements, but the Panel finds the addition 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 proceedings under the Policy is on the complainant, panels have recognized that proving 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 (the burden of proof remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent is not affiliated with Complainant but uses Complainant's mark to offer what purport to be Complainant's goods. 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 otherwise³.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

For purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy identifies circumstances that, if found by the Panel to be present, evidence registration and use of a domain name in bad faith.

Complainant's evidence shows: registration of the JACOB DELAFON mark long predates registration of the disputed domain name; Respondent was clearly aware of Complainant's mark—Respondent's website features the JACOB DELAFON mark and other elements that closely resemble those used on Complainant's own website and the website purports to offer JACOB DELAFON products. Respondent failed to respond in these proceedings. The Panel finds that Respondent used the JACOB DELAFON mark to attract visitors to its commercial website who would be confused, believing the website was Complainant's. Under these circumstances, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The Panel finds the third element of the Policy has been established.

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 <jacobdelafonshop.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: September 1, 2026

³ By way of example only, and without suggesting that such an argument would have been successful, Respondent might have presented evidence to argue that, under the circumstances, use of Complainant's mark plus "shop" was a fair use.