ADMINISTRATIVE PANEL DECISION
Scentbird Inc. v. Zheng
Case No. D2026-3072

1. The Parties

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

The Respondent is Zheng, China.

2. The Domain Name and Registrar

The disputed domain name <driftshops.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 13, 2026. On July 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 14, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 12, 2026.

The Center appointed Aaron Newell as the sole panelist in this matter on August 14, 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 is headquartered and operates primarily in the United States.

The Complainant manages multiple businesses relating to scents and fragrances. One is a subscription service offered by reference to the name “Scentbird” and through which the Complainant offers over 1000 designer personal fragrances, many of these fragrances being well known and luxury brands. The business has enjoyed media coverage in a number of well-known publications.

The Complainant also operates a business under the name “Drift” through which it offers car and home air freshener products. Connected with this business, the Complainant acquired the <drift.co> domain name which had been registered since 2010 and has for years been, and continues to be, used to market, promote, and sell air freshener and related products.

The Complainant asserts that its DRIFT trademark has been in use since at least 2019. It owns a number of registered trademark rights that protect its DRIFT trademark, including the following:

i) United States Trademark Registration No. 7931659 DRIFT (word mark) filed October 16, 2023 and registered September 2, 2025, in classes 3, 4, and 35;

ii) United States Trademark Registration No. 6321131 DRIFT (stylised) filed August 24, 2020 and registered April 13, 2021, in class 5; and

iii) United States Trademark Registration No. 6332127 DRIFT (word mark) filed May 29, 2020 and registered April 27, 2021, in classes 5 and 35.

The Complainant provides evidence that its DRIFT trademark enjoys a strong customer base and online following which, at the time of filing this Complaint, included approximately 274,000 Instagram followers.

The disputed domain name was registered on March 26, 2026. At the time of writing this Decision the disputed domain name did not resolve to any website, however the Complainant has provided evidence that the disputed domain name has in the past been used to load a website that emulates the Complainant’s current website at “www.drift.co”, that purports to offer the Complainant’s products for sale using the Complainant’s trademark and product images, and that provides an address, phone number, and email address that do not appear to be otherwise associated with the Complainant or its business.

The Respondent appears to be an individual based in China. It did not file a response to the Complaint or otherwise engage with the proceedings.

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:

i) the disputed domain name is confusingly similar to its registered trademark rights because the disputed domain name wholly incorporates the Complainant’s DRIFT trademark;

ii) the Respondent does not have rights or legitimate interests in the disputed domain name because the Complainant and the Respondent have never had a relationship, the Complainant has accordingly never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use its DRIFT trademark and the Respondent's misleading use of the disputed domain name cannot give rise to rights or a legitimate interest; and

iii) the disputed domain name was registered and is being used in bad faith because the disputed domain name incorporates the Complainant's famous and widely-known trademark and thus raises a presumption of bad faith, the disputed domain name is being used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion, the disputed domain name is being used to resolve to a "comprehensive replica" of the Complainant's own website that purports to offer products unique to the Complainant and copies numerous aspects of the Complainant's website including its layout, imagery, and general branding and look-and-feel.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it 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.

The Respondent's default does not automatically result in a decision in favor of the Complainant.

Paragraph 5(f) of the Rules does however provide that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response 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 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 word "shops") may bear on assessment of the second and third elements, the Panel finds the addition of this 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 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.

Further, panels have held that the use of a domain name for illegitimate conduct (here claimed to be passing off) 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 the Respondent has, without license or authorization from the Complainant, used the disputed domain name to resolve to a website that emulates the Complainant's business and purports to sell the Complainant's products, while giving the impression that the website originates with or is affiliated with the Complainant. Numerous aspects of the Complainant's active website were entirely reproduced on the website used by the Respondent at the disputed domain name.

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.

These include circumstances indicating that a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The Respondent's conduct falls squarely within this description. WIPO Overview 3.1, section 3.4. Further, the Panel considers that the Respondent's provision of what appears to be false or incomplete contact information when registering the disputed domain name to be an indication of bad faith.

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 <driftshops.com> be transferred to the Complainant.

/Aaron Newell/
Aaron Newell
Sole Panelist
Date: August 28, 2026