

ADMINISTRATIVE PANEL DECISION

Bongards' Creameries v. Norma Wright
Case No. D2026-3084

1. The Parties

Complainant is Bongards' Creameries, United States of America ("United States"), represented by Lathrop GPM LLP, United States.

Respondent is Norma Wright, United States.

2. The Domain Name and Registrar

The disputed domain name <bongads.com> (the "Disputed Domain Name") is registered with Wild West Domains, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 13, 2026. On July 14, 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 disclosing registrant and contact information for the Disputed Domain Name which differed from the named Respondent (DomainsByProxy.com, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on July 15, 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 20, 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 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 24, 2026.

The Center appointed Richard W. Page as the sole panelist in this matter on August 27, 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 is a dairy cooperative (“co-op”) and supplier of premium cheeses located in Minnesota, United States.

Complainant is the owner of the following trademark registrations for the BONGARDS mark (the “BONGARDS Mark”):

- United States Trademark Registration No. 4,427,984 for BONGARDS (word mark) registered November 5, 2013, in international classes 1, 5, and 29;
- United States Trademark Registration No. 5,584,202 for · BONGARDS · (design mark) registered October 16, 2018, in international classes 1 and 29; and
- United States Trademark Registration No. 4,978,718 for · BONGARDS · PREMIUM CHEESE (design mark) registered June 14, 2016, in international class 29.

Complainant also owns the domain name <bongards.com>.

The Disputed Domain Name was registered on March 19, 2026, and resolves to a website which is inaccessible and returns only a DNS (Domain Name System) error. The Disputed Domain Name is also enrolled in a mail exchange (MX) which allows for the sending and receiving of email. The Disputed Domain Name has been used to impersonate Complainant’s employees in a fraudulent email scheme.

5. Parties’ Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its registered BONGARDS Mark, because the only difference is the deletion of a single letter “r,” creating a classic case of typosquatting. The BONGARDS Mark remains immediately recognizable within the Disputed Domain Name and there is no plausible explanation for Respondent’s selection of this exact misspelling other than to trade on the goodwill associated with Complainant.

Complainant submits that Respondent has not been authorized to use the BONGARDS Mark in a domain name or in any other way. Respondent is not commonly known by the Disputed Domain Name and is not making either bona fide or legitimate use of the Disputed Domain Name.

Complainant further alleges that Respondent has used “@bongads.com” email addresses to impersonate real Complainant’s employees and to communicate with real Complainant’s customers regarding outstanding invoices. Under the pretext of a purported “transition and restructuring” of Complainant’s banking, Respondent instructed a Complainant’s customer to redirect payment to a fraudulent account and succeeded in diverting a wire transfer intended for Complainant.

Complainant further alleges that the deliberate nature of Respondent’s impersonation is underscored by the fraudulent emails themselves, which reproduce Complainant’s authentic email signature blocks (including employee title, direct-dial phone number, and Complainant’s address). In several instances the signature blocks still display legitimate employee email addresses within the signature, confirming that Respondent

copied genuine Complainant's correspondence and merely substituted the look-alike <bongads.com> Disputed Domain Name in the sender field. Such conduct constitutes impersonation and phishing that is paradigmatic bad-faith registration and use 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.

B. Respondent

Respondent did not reply to 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."

Even though Respondent has failed to file a Response or to contest Complainant's assertions, the Panel will review the evidence proffered by Complainant to verify that the three essential elements of the Policy are met. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3.

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the mark in which Complainant has rights; and
- ii) that 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.

A. Identical or Confusingly Similar

[WIPO Overview 3.1](#), section 1.2.1 states that registration of a trademark, here the BONGARDS Mark, prima facie satisfies the threshold requirement of Complainant having trademark rights for purposes of standing to file a UDRP case.

Complainant has shown rights in respect of the BONGARDS Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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 BONGARDS Mark and the Disputed Domain Name. [WIPO Overview 3.1](#), section 1.7.

Although the Disputed Domain Name differs from the BONGARDS Mark only by the omission of the letter "r", the Panel finds the BONGARDS Mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the BONGARDS Mark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7 and 1.9.

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 the Disputed Domain Name.

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or a legitimate interest in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the BOGARDS Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, 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 illegitimate activity, here claimed as impersonation, phishing, and email fraud, can never confer rights or legitimate interests on 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 the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- (i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the BONGARDS Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

(ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the BONGARDS Mark from reflecting the BONGARDS Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the BONGARDS Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that the Disputed Domain Name was registered and used in bad faith, but other circumstances may be relevant in assessing whether Respondent's registration and use of the Disputed Domain Name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Respondent used the Disputed Domain Name in connection with a fraudulent email scheme involving the impersonation of Complainant's employees targeting one of Complainant's customers and seeking to divert payment intended for Complainant to a fraudulent bank account.

Panels have held that the use of the Disputed Domain Name for illegitimate activity, here claimed as impersonation, phishing, and email fraud, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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 <bongads.com> be transferred to Complainant.

/Richard W. Page/

Richard W. Page

Sole Panelist

Date: September 7, 2026