

ADMINISTRATIVE PANEL DECISION

Backyard Products, LLC v. Savannah Simmons
Case No. D2026-3235

1. The Parties

Complainant is Backyard Products, LLC, United States of America (“United States”), represented by Shumaker, Loop & Kendrick, LLP, United States.

Respondent is Savannah Simmons, United States.

2. The Domain Name and Registrar

The disputed domain name <yardistrstructurespro.shop> 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 22, 2026. On July 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 24, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot / John Doe) and contact information in the Complaint. The Center sent an email communication to Complainant on July 24, 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 27, 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 21, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on August 26, 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 and its affiliates manufacture, design, and sell gazebos, pavilions, pergolas, greenhouses, and other outdoor-structure products. According to the Complaint, Yardistry Limited and Yardistry US, LLC are related entities within the same corporate family as Complainant and operate under a common corporate umbrella. Complainant further contends that these entities began using YARDISTRY as a trademark for outdoor-structure products as early as 2008 and the following registrations (the “YARDISTRY Marks”) are held within the same corporate group:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
YARDISTRY	United States	19, 20	3,699,443	October 20, 2009
YARDISTRY	European Union	19, 20	005972311	August 28, 2008

Complainant’s official website uses <yardistrystructures.com> as its domain name.

The disputed domain name was registered on April 15, 2026. Complainant provided evidence indicating that as of filing of the Complaint, the disputed domain name resolved to a website providing an online retail store selling purported YARDISTRY outdoor-structure products and claiming to be an official website of Complainant.

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 YARDISTRY Marks as evidenced herein, and that the disputed domain name is confusingly similar to the YARDISTRY Marks because the disputed domain name incorporates the entirety of the YARDISTRY Marks followed by the descriptive terms “structures” and “pro.” Complainant asserts via a declaration submitted by an officer of Complainant that it is an affiliate of Yardistry Limited and Yardistry US, LLC operating under a common corporate umbrella, that it has rights in the trademarks for purposes of standing to file the Complaint, and is authorized to act on the affiliates’ behalf in this proceeding.

Complainant contends Respondent should be considered to have no rights or legitimate interests in the disputed domain name. Complainant asserts Respondent is not affiliated with Complainant, is not authorized to distribute or resell Complainant’s products, is not commonly known by the disputed domain name, and Respondent’s use of the disputed domain name is not a bona fide offering of goods or services because Respondent’s website impersonates Complainant’s website and is offering counterfeit or otherwise unauthorized products under the YARDISTRY Marks.

Complainant contends the disputed domain name should be considered to have been registered and used in bad faith because: (1) Respondent registered and is using the disputed domain name for the purpose of disrupting the business of Complainant; (2) Respondent is operating its website to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the YARDISTRY Marks in which Complainant has rights as to the source, sponsorship, affiliation, or endorsement of the website and the products offered thereon; and (3) Respondent used a privacy service to conceal its identity.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Complainant has provided sufficient evidence to support its claim of standing to file the Complaint.

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.

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, "structures" and "pro," may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 operated by 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 has created and is operating a website which copies many aspects of Complainant's website while purporting to be affiliated with or authorized by Complainant and selling either counterfeit or otherwise unauthorized products under Complainant's YARDISTRY Marks.

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 illegal activity, here, the claimed copycat website operated by Respondent, 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 constitute 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 <yardistrystructurespro.shop> be transferred to Complainant.

/Timothy D. Casey/

Timothy D. Casey

Sole Panelist

Date: September 9, 2026