

ADMINISTRATIVE PANEL DECISION

Backyard Products, LLC v. Jessica Thompson
Case No. D2026-3366

1. The Parties

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

Respondent is Jessica Thompson, United States.

2. The Domain Name and Registrar

The disputed domain name <kidkrafts.shop> (the "Domain Name") is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 29, 2026. On July 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 31, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on August 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 6, 2026,

The Center verified that the Complaint together with the amendment to 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 August 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 4, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on September 9, 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 children's toys, children's furniture, outdoor playsets, and related products. One of Complainant's product lines is sold under the brand KIDKRAFT®, which has been in continuous use since at least as early as the 1970's. Complainant owns several registered trademarks for the KIDKRAFT mark, such as:

- United States registered trademark number 2,980,497 for the KIDKRAFT word mark, registered on August 2, 2005, with a first use date of 1973;
- United States registered trademark number 4,831,199 for the KIDKRAFT word mark, registered October 13, 2015; and
- United States registered trademark number 4,836,801 for the KIDKRAFT word mark, registered on October 20, 2015.

Complainant also owns the domain name <kidkraft.com>, which it operates as its business website.

The Domain Name was registered on August 21, 2025 and resolves to a commercial website that prominently displays Complainant's KIDKRAFT trademarks, content and images, and offers purportedly original Complainant's products for sale at deep discounts. The website also displays Complainant's registered trademark number 6,125,244, for the MADE FOR MAKE BELIEVE word mark.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for KIDKRAFT and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for bona fide and well-known KIDKRAFT products.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Specifically, Complainant asserts that Respondent is attempting to create confusion by using Complainant's trademark, to attract users looking for Complainant's products to Respondent's website.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the KIDKRAFT trademarks, as noted above. Complainant has therefore proven that it has the requisite rights in the KIDKRAFT trademarks. Complainant's KIDKRAFT trademarks will hereinafter be referred to in the singular, as "the KIDKRAFT trademark".

With Complainant's rights in the KIDKRAFT trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the generic Top-Level Domain in which it was registered (in this case, ".shop"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's KIDKRAFT trademark. The Panel finds that the Complainant's KIDKRAFT trademark is recognizable in the Domain Name. The addition of the letter "s" in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the KIDKRAFT trademark. See sections 1.7 and 1.8 of the [WIPO Overview 3.1](#).

The Panel further notes that the website at the Domain Name prominently displays the KIDKRAFT trademark, demonstrating Respondent's intention to target Complainant's trademark, which confirms the confusing similarity between Complainant's trademark and the Domain Name. See section 1.15 of the [WIPO Overview 3.1](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have established its burden under the second element of the UDRP. See section 2.1 of the [WIPO Overview 3.1](#).

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its KIDKRAFT trademark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the KIDKRAFT trademark or to seek registration of any domain name incorporating the

trademark. Respondent is also not known to be associated with the KIDKRAFT trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Panel notes that the Domain Name resolves to a website that prominently displays Complainant's trademarks, with content that has the look and feel of Complainant's genuine website, including the use of Complainant's product photos and the use of Complainant's trademark in product names and descriptions. Essentially, Respondent prominently presents itself as "KIDKRAFT" and offers purported KIDKRAFT products for direct purchase through its website.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you 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 complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the KIDKRAFT trademark long predates the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's KIDKRAFT trademark and related products are known and recognized for purposes of the Policy. Therefore, and also noting the use analysis below, Respondent was clearly aware of the KIDKRAFT trademark when it registered the Domain Name. The addition of the letter "s" following Complainant's mark in the Domain Name further supports the Panel's finding of Respondent's knowledge of Complainant.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

In addition, Respondent's use of the Domain Name, as discussed above, is not in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Respondent's website displays Complainant's trademarks, with content that has the look and feel of Complainant's genuine website, including the use of Complainant's product photos and the use of Complainant's trademark in product names and descriptions. Respondent prominently presents itself as "KIDKRAFT" and offers purported KIDKRAFT products for sale directly through its website, as discussed above. Therefore, the Panel finds that Respondent registered and is using the Domain Name in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Further, UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's trademark, as here, constitutes bad faith. Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Finally, the Panel also notes Respondent's failure to submit a Response and considers that this factor further supports a finding that Respondent's registration and use constitutes bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <kidkrafts.shop> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: September 12, 2026