

ADMINISTRATIVE PANEL DECISION

Brixmor Property Group, Inc. v. sup sample
Case No. D2026-3423

1. The Parties

The Complainant is Brixmor Property Group, Inc., United States of America ("United States"), represented by Neal, Gerber & Eisenberg LLP, United States.

The Respondent is sup sample, United States.

2. The Domain Name and Registrar

The disputed domain name <brixmor-property.com> is registered with Amazon Registrar, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 1, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 4, 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 (On behalf of brixmor-property.com OWNER, c/o whoisproxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on August 11, 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 the Respondent of the Complaint, and the proceedings commenced on August 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on September 3, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on September 8, 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, which has its business headquarters in New York, United States, operates shopping and retail facilities around the United States. It is the proprietor of several trademark registrations, including the following:

- United States Trademark Registration No. 4269899 for BRIXMOR (word mark), registered on January 1, 2013 for services in classes 36 and 37;
- United States Trademark Registration No. 4385614 for BRIXMOR PROPERTY GROUP (word mark), registered on August 13, 2013 for services in class 36.

The Complainant operates its primary business website at the domain name <brixmor.com>.

The disputed domain name was registered on June 15, 2026. At the time of the Complaint and of this Decision, it did not resolve to an active website.

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 it operates high quality shopping and retail facilities around the United States. Through extensive use, promotion, and media attention, the BRIXMOR marks have developed considerable consumer recognition and have become known and recognized by travelers all over the world as identifying and distinguishing the Complainant and its services. The disputed domain name was registered long after the Complainant's registration of its trademarks. It comprises the Complainant's BRIXMOR mark with the addition of the term "property", which is descriptive of the Complainant's services. The Complainant has not authorized the Respondent to use its trademark. The disputed domain name does not resolve to an active website and will likely be used to perpetrate a phishing scam on the Complainant or its customers.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[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”.

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 Complainant’s BRIXMOR 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, “property”) may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy, especially where said term is reflected in the Complainant’s BRIXMOR PROPERTY GROUP mark. [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.

The composition of the disputed domain name, which reflects the Complainant’s BRIXMOR mark and the term “property”, which comprise the first two elements of its BRIXMOR PROPERTY GROUP mark, carries a risk of implied affiliation to the Complainant that cannot constitute fair use. [WIPO Overview 3.1](#), section 2.5.1.

The disputed domain name does not resolve to an active website. The Panel does not find that the record supports a finding that the Respondent is commonly known by the disputed domain name or is making legitimate noncommercial use of it.

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.

The Complainant's rights in the BRIXMOR and BRIXMOR PROPERTY GROUP marks predate the registration of the disputed domain name by over 10 years. The disputed domain name contains the Complainant's established BRIXMOR followed by a hyphen and the term "property", which refers to the Complainant's type of business and also mirrors the first two elements of the Complainant's BRIXMOR PROPERTY GROUP mark, further strengthening the inference of targeting. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

At time of filing the Complaint, the disputed domain name did not resolve to an active website, thereby indicating passive holding. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and the absence of a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <brixmor-property.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: September 22, 2026