ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

SCABAL S.A. v. Sean Young, Brindisino Q, Kenneth Ross, Alayah Jefferson, Nicholas Adams, Madison Gardner, Madison Taylor, Ignatius Weatherly
Case No. D2026-3478

1. The Parties

The Complainant is SCABAL S.A., Belgium, represented by Gevers Legal SA, Belgium.

The Respondents are Sean Young, Brindisino Q, Kenneth Ross, Alayah Jefferson, Nicholas Adams, Madison Gardner, Madison Taylor, Ignatius Weatherly, United States of America ("United States").

2. The Domain Names and Registrars

The disputed domain names <scabalboutique.shop>, <scabalclassic.shop>, <scabalmodern.shop>, <scabalonline.shop>, <scabalshop.shop>, <scabalstudio.shop>, and <scabalwear.shop> are registered with Dynadot Inc.

The disputed domain name <scabalofficial.shop> is registered with Spaceship, Inc. (together with Dynadot Inc, the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 5, 2026, in relation to six disputed domain names. On August 5, 2026, the Center transmitted by email to the Registrars a request for registrar verification in connection with those disputed domain names. On August 6 and 7, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for those disputed domain names which differed from the named Respondents (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot, and Registrant Name Redacted c/o Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 12, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for six disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all six disputed domain names are under common control. The Complainant filed an amended Complaint on August 17, 2026.

On September 2, 2026, the Complainant requested that the disputed domain names <scabalclassic.shop> and <scabalmodern.shop> be added to the proceeding. On the same day, the Center transmitted by email to Dynadot Inc a request for registrar verification in connection with these two disputed domain names, and on September 3, 2026, Dynadot Inc transmitted by email to the Center its verification response disclosing registrant and contact information for those disputed domain names. On September 3, 2026, the Center sent an email communication to the Complainant with that information, requesting the Complainant to either file separate complaints for all disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed a second amended Complaint on the same day, adding the disputed domain names <scabalclassic.shop> and <scabalmodern.shop> and their underlying registrants.

The Center verified that the Complaint together with the amended Complaints 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 Respondents of the Complaint, and the proceedings commenced on September 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 2, 2026.

The Center appointed Mladen Vukmir as the sole panelist in this matter on October 6, 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 a company operating in the textile and clothing sector, marketing fabrics, textile goods, clothing and related retail services under its corporate name and trademark, including through its official website at "www.scabal.com".

The Complainant is the owner of several SCABAL trademarks, including SCABAL (word) United States Registration No. 1,354,217, registered on August 13, 1985, for goods in Class 25 of the Nice Classification ("IC"); SCABAL (word) European Union Trade Mark No. 003059821, registered on November 8, 2004, for goods and services in Classes 16, 24, 25, and 35 of IC; and SCABAL (word) Benelux Registration No. 751921, registered on August 17, 2004, for goods and services in Classes 16, 24, 25, and 35 of IC (the "SCABAL trademarks").

The dispute concerns eight disputed domain names. The six disputed domain names originally the subject of the Complaint were registered as follows: <scabalofficial.shop> on April 14, 2026, registered with Spaceship, Inc.; and <scabalshop.shop> on April 29, 2026, <scabalboutique.shop> on May 8, 2026, <scabalwear.shop> on May 17, 2026, <scabalonline.shop> on May 26, 2026, and <scabalstudio.shop> on July 14, 2026, registered with Dynadot Inc. According to the ICANN Lookup/RDAP records submitted with the Complaint, all six disputed domain names use Cloudflare nameservers (a different nameserver pair for each domain name). Five disputed domain names registered with Dynadot Inc use the same privacy service (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot), while <scabalofficial.shop> uses a different privacy service (Privacy service provided by Withheld for Privacy ehf). The Registrars disclosed the following underlying registrants of these six disputed domain names: Sean Young (<scabalshop.shop>), Kenneth Ross (<scabalboutique.shop>), Alayah Jefferson (<scabalwear.shop>), Nicholas Adams (<scabalonline.shop>), Madison Gardner (<scabalstudio.shop>), and Brindisino Q (<scabalofficial.shop>).

Two further disputed domain names, <scabalclassic.shop>, registered on July 20, 2026, and <scabalmodern.shop>, registered on July 24, 2026, were added to the proceeding by way of the second amended Complaint filed on September 3, 2026, together with their Registrar-disclosed registrants, Madison Taylor and Ignatius Weatherly respectively. Both are registered with Dynadot Inc through the same privacy service as the other Dynadot Inc disputed domain names, and both use the nameservers hosted at dyna-ns.net.

The screenshots submitted as Annex 8, captured between July 17 and September 2, 2026, show that all disputed domain names resolve to websites presenting themselves as SCABAL-branded online stores, prominently displaying the SCABAL mark and/or logo and purportedly offering SCABAL-branded products for sale at substantial discounts. The websites share a similar layout and navigation structure, use similar product photographs and similar promotional slogans (for example, “Mastery in Every Thread” on the websites at <scabalshop.shop> and <scabalstudio.shop>).

Further, the Complainant’s evidence shows that the website at <scabalshop.shop> displays a section “About Scabal Official Store”.

A cease-and-desist communication sent by the Complainant to “[…]@scabalofficialstore.com”, which was displayed on the website at <scabalshop.shop>, on July 10, 2026 was returned as undeliverable because the “recipient’s domain did not exist”.

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 names.

Notably, the Complainant contends that:

(i) it has established rights in the SCABAL mark through registered word marks in the United States, the European Union and the Benelux, predating the registration of each of the disputed domain names;

(ii) each of the disputed domain names is confusingly similar to the SCABAL mark, reproducing it in its entirety together with a descriptive or commercially suggestive term (“shop”, “boutique”, “online”, “official”, “wear”, “studio”, “classic” or “modern”), and the “.shop” generic Top-Level Domain (“gTLD”) not preventing a finding of confusing similarity;

(iii) the Respondents have no rights or legitimate interests in the disputed domain names, having received no authorization from the Complainant, not being commonly known by the disputed domain names, and using the associated websites to impersonate the Complainant without disclosing the absence of any relationship, in a manner that does not meet the cumulative requirements for a bona fide reseller under the Oki Data test and does not constitute fair use; and

(iv) the disputed domain names were registered and are being used in bad faith, given that the Complainant’s trademark rights predate each registration, the Respondents’ websites demonstrate actual knowledge of and intent to target the SCABAL mark, the Respondents intentionally attracted Internet users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation or endorsement under paragraph 4(b)(iv) of the Policy, the registration of multiple domain names incorporating the mark constitutes a pattern of conduct under paragraph 4(b)(ii) of the Policy, and the use of privacy services reinforces an inference of bad faith when considered together with these circumstances.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaints were filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. Paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

As regards common control, the Panel notes that: (i) all eight disputed domain names follow the same naming pattern, reproducing the Complainant's SCABAL mark in its entirety, immediately followed by a single term relevant to the Complainant's business ("shop", "boutique", "online", "official", "wear", "studio", "classic", or "modern"), under the same ".shop" gTLD; (ii) all eight disputed domain names were registered within a period of just over three months, between April 14 and July 24, 2026, seven of them with the same Registrar and privacy service; (iii) the websites evidenced in the record share a similar layout and navigation structure, similar product photographs and closely similar promotional slogans; and (iv) the underlying registrant details disclosed for all eight disputed domain names use similar structure of email addresses (seven with Outlook and one with Hotmail), each with a user name bearing no apparent relation to the named registrant followed by numbers, and in at least two instances a telephone area code that does not correspond to the stated location, which suggests that at least some of these registrant details are not genuine. The Panel attaches limited weight to the use of Cloudflare nameservers by six of the disputed domain names, since such nameservers are widely used and, in this case, differ from one disputed domain name to another. Taken in their totality, these circumstances satisfy the Panel, on the balance of probabilities, that the disputed domain names are subject to common control. The Panel further draws an adverse inference from the Respondents' collective failure to participate in the proceeding. See WIPO Overview 3.1, section 4.3.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 names. WIPO Overview 3.1, section 1.7.

Having reviewed the available case record, the Panel is satisfied that the registration particulars pleaded by the Complainant are accurate and that the SCABAL trademarks are registered in the name of the Complainant. The Complainant has therefore 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of the terms “shop”, “boutique”, “online”, “official”, “wear”, “studio”, “classic”, or “modern” may bear on the assessment of the second and third elements, the Panel finds that the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. See WIPO Overview 3.1, section 1.8.

The applicable Top-Level Domain is viewed as a standard technical registration requirement and is typically disregarded for purposes of assessing confusing similarity under the first element. The “.shop” extension accordingly does not prevent a finding of confusing similarity, although, as discussed under the third element below, its connotation of online retail is relevant to the Panel’s assessment of the Respondent’s intent. See WIPO Overview 3.1, section 1.11.

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 names. The record indicates that the Complainant has not licensed or otherwise authorized the Respondent to use the SCABAL mark or to register domain names incorporating it; that none of the registrant names disclosed corresponds to SCABAL or to any of the disputed domain names, and there is no evidence that any named Respondent has been commonly known by any such name; and that, as to the disputed domain names for which the Panel has reviewed the underlying website evidence, the associated websites prominently reproduce the Complainant’s mark and/or logo, present themselves as SCABAL-branded online stores, and do not disclose any absence of affiliation with the Complainant. 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 names.

The Panel accepts the Complainant’s submission that, even assuming the Respondent’s websites offered genuine SCABAL products, the Respondent could not satisfy the cumulative requirements of the Oki Data test for a bona fide reseller, since the websites at the disputed domain names do not accurately and prominently disclose the Respondent’s lack of affiliation with the Complainant. See WIPO Overview 3.1, section 2.8.1.

The Panel further notes that the use of a domain name for a copycat website or passing off, can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.1. The Panel does not find it necessary to determine, whether the products purportedly offered through the websites are counterfeit; it is the unauthorized impersonation of the Complainant and the false suggestion of an official or authorized relationship, established on the evidence reviewed by the Panel, that is sufficient to exclude a finding of bona fide use.

Moreover, the composition of the disputed domain names, each combining the Complainant's distinctive mark with an additional term referring to the Complainant's area of business under the ".shop" gTLD, carries a risk of implied affiliation with the Complainant that cannot constitute fair use. See WIPO Overview 3.1, section 2.5.1. The Panel is accordingly satisfied, on the balance of probabilities and in the absence of any response or alternative explanation, that the Respondent lacks rights or legitimate interests in the disputed domain names.

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 trademark rights, as set out in the Complaint, substantially predate the registration of each of the disputed domain names, all of which were registered in 2026. Each disputed domain name reproduces the distinctive SCABAL mark in its entirety together with a term relevant to the Complainant's business, and all eight disputed domain names share the ".shop" gTLD, which itself evokes an online retail outlet. The Panel finds these factors, considered together, support an inference that the Respondent registered the disputed domain names with knowledge of, and intent to target, the Complainant's mark. See WIPO Overview 3.1, sections 3.2.1 and 3.2.2.

As to the use of the disputed domain names, that evidence on record confirms the Respondent's actual use of the SCABAL mark and/or logo on the websites, presenting themselves as SCABAL-branded online stores, removing any doubt as to the Respondent's awareness of the Complainant and its mark. By presenting these websites as SCABAL-branded online stores without authorization, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the websites, within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel further notes that the Respondent registered eight disputed domain names, each incorporating the Complainant's distinctive mark, within a period of just over three months and following a consistent naming pattern. Such conduct constitutes a pattern of registering domain names in order to prevent the Complainant from reflecting its mark in corresponding domain names, within the meaning of paragraph 4(b)(ii) of the Policy. See WIPO Overview 3.1, section 3.1.2.

The Panel notes the Complainant's submission concerning the use of privacy or proxy registration services and the disclosure of nominally different registrant identities. The Panel agrees that the use of a privacy service is not, by itself, evidence of bad faith, but that it may reinforce an inference of bad faith when considered together with the other circumstances of the case. See WIPO Overview 3.1, section 3.6. In the circumstances here, including the consistent naming and registration pattern across the disputed domain names, the apparently inaccurate underlying registrant details, and the non-functional contact email address displayed on at least one of the websites, the Panel considers this factor to provide some further, corroborative support for its finding of bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes 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 names <scabalboutique.shop>, <scabalclassic.shop>, <scabalmodern.shop>, <scabalofficial.shop>, <scabalonline.shop>, <scabalshop.shop>, <scabalstudio.shop>, and <scabalwear.shop> be transferred to the Complainant.

/Mladen Vukmir/
Mladen Vukmir
Sole Panelist
Date: October 20, 2026