

ADMINISTRATIVE PANEL DECISION

Boll & Branch LLC v. Bogan Jestine
Case No. D2026-3696

1. The Parties

The Complainant is Boll & Branch LLC, United States of America (“United States” or “U.S.”), represented by Keating Muething & Klekamp PLL, United States.

The Respondent is Bogan Jestine, United States.

2. The Domain Name and Registrar

The disputed domain name <bollandbranchmall.it.com> (the “Disputed Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 10, 2026. On August 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 20, 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 (Privacy Protected) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 amendment to the Complaint on August 21, 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 18, 2026.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on September 23, 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 states that it is “an internationally known luxury textile business with 17 brick-and-mortar retail locations and a successful ecommerce website located at <bollandbranch.com>”; that it “sells high-quality luxury bedding products and apparel, including robes and sleepwear”; and that it is the owner of trademark registrations for “BOLL & BRANCH” in the United States and Canada as well as “other jurisdictions”, including the following (some of which were supported by appropriate documentation):¹

- U.S. Reg. No. 5,585,449 for BOLL & BRANCH (registered October 16, 2018) for use in connection with pillows and duvets.
- U.S. Reg. No. 7,812,249 for BOLL & BRANCH (registered May 27, 2025) for use in connection with “furniture, namely, bed frames, headboards, dressers, night stands, benches, and chests”.
- Canada Reg. No. TMA998734 for BOLL & BRANCH (registered June 11, 2018) for use in connection with “textiles, namely, bath towels and hand towels; bed and bath linens; bedding, namely, flat sheets and fitted sheets, pillow cases, pillow sham cases, duvet covers, bed spreads, bed blankets, throws, bed skirts, crib sheets”.

These registrations are referred to herein as the “BOLL & BRANCH Trademark.”

The Disputed Domain Name was created on August 5, 2026. As stated in the Complaint, and as confirmed by screenshots attached thereto, the Disputed Domain Name “previously featured an image of an earlier version of the Complainant’s website, <bollandbranch.com>”; “[t]he Complainant worked directly with Shopify to remove the associated Shopify account from the Disputed Domain [Name]”; and “[a]s a result, the Disputed Domain [Name] is currently inactive and now returns an error when accessed by an Internet user”.

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 in relevant part that:

- The Disputed Domain Name is confusingly similar to the BOLL & BRANCH Trademark because the Disputed Domain Name “contains the entirety” of the BOLL & BRANCH Trademark plus the word “mall”, which “does not distinguish” the Disputed Domain Name from the BOLL & BRANCH Trademark.

¹ The Complainant stated but failed to include supporting documentation for the Canadian trademark registrations it cited. However, exercising its authority under the Rules, the Panel has confirmed the Canadian trademark registration cited herein. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8: “Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party’s contention. This may include... accessing trademark registration databases.”

- The Respondent has no rights or legitimate interests in the Disputed Domain Name because “neither Respondent, nor, upon information and belief, anyone affiliated with Respondent, is commonly known by the name ‘Boll and Branch’”; the Respondent has not acquired any trademark or service mark rights in the name; “Complainant has not authorized Respondent, or anyone acting in concert with or at the direction of Respondent, to use the [BOLL & BRANCH Trademark] in the context of the Disputed Domain [Name] or for any other reason”; “[t]he Disputed Domain [Name] currently resolves to an inactive, broken website, further suggesting Respondent has no rights or legitimate interests in the Disputed Domain [Name]”; and the Disputed Domain Name “undoubtedly carries a risk of implied affiliation with the Complainant, as it falsely suggests to Internet users that the Disputed Domain [Name] refers to an official online mall or marketplace for the Complainant’s products.”
- The Disputed Domain Name was registered and is being used in bad faith because “the Respondent’s current non-use of the Disputed Domain [Name], following its prior use and/or configuration, supports a finding of bad faith. Panels have found that the non-use of domain names may support a finding of bad faith when considering factors such as the distinctive nature and reputation of the trademark and the implausibility of any good faith use to which the domain name may be put”; and “Respondent’s prior use and/or configuration of the Disputed Domain [Name] falls squarely within Section 4(b)(iv) of the Policy, which provides that bad faith may be found where, by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or of a product or service on the respondent’s website”.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by the Complainant, it is apparent that the Complainant has rights in and to the BOLL & BRANCH Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the BOLL & BRANCH Trademark, the relevant comparison to be made is with the third-level portion of the Disputed Domain Name only (i.e., “bollandbranchmall”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. [WIPO Overview 3.1](#), section 1.11.1.²

As set forth in section 1.7 of [WIPO Overview 3.1](#), “in cases where a domain name incorporates the entirety of a trademark,... the domain name will normally be considered confusingly similar to that mark”.³ Further, as set forth in section 1.8 of [WIPO Overview 3.1](#), “[w]here the relevant trademark is

² The Panel notes that the Disputed Domain Name is a third-level domain name falling under the .it.com Dispute Resolution Policy which provides that the registrants agree to abide by the results of a UDRP proceeding if informal resolution in coordination with IT.com Domains, the registry operator, is unsuccessful. The Complainant has provided evidence that it filed an abuse complaint with IT.com Domains, and the Panel has received no confirmation that any settlement had taken place under the .it.com Dispute Resolution Procedure. Further, the Registrar confirmed that the Policy applies to the Disputed Domain Name. The Panel will accordingly proceed to a decision under the UDRP.

³ The Disputed Domain Name’s inclusion of the word “and” instead of an ampersand is irrelevant given that “the ampersand symbol means ‘and’”, *L’Oréal v. PPA Media Services, Ryan G Foo / Fundacion Private Whois, Domain Administrator*, WIPO Case

recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Here, the Disputed Domain Name contains the entirety of the BOLL & BRANCH Trademark, and the addition of the word "mall" does not prevent a finding of confusing similarity.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has argued that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, "neither Respondent, nor, upon information and belief, anyone affiliated with Respondent, is commonly known by the name 'Boll and Branch'"; "Respondent has not acquired any trademark or service mark rights in the name"; "Complainant has not authorized Respondent, or anyone acting in concert with or at the direction of Respondent, to use the [BOLL & BRANCH Trademark] in the context of the Disputed Domain [Name] or for any other reason"; "[t]he Disputed Domain [Name] currently resolves to an inactive, broken website, further suggesting Respondent has no rights or legitimate interests in the Disputed Domain [Name]"; and the Disputed Domain Name "undoubtedly carries a risk of implied affiliation with the Complainant, as it falsely suggests to Internet users that the Disputed Domain [Name] refers to an official online mall or marketplace for the Complainant's products".

[WIPO Overview 3.1](#), section 2.1, states: "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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel finds that the Complainant has established its prima facie case and without any evidence from the Respondent to the contrary, the Panel is satisfied that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or 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 the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has 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 the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's 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 the registrant's website or location or of a product or service on the registrant's website or location. Policy, paragraph 4(b).

No. [D2013-2230](#), and "the ampersand symbol may not comprise part of a domain name". *Wright & Lato, Inc. v. Michael L. Epstein*, WIPO Case No. [D2000-0621](#).

By previously using the Disputed Domain Name in connection with a website that appears to be a website for, or associated with, the Complainant – by using the BOLL & BRANCH Trademark on its website, by offering for sale the same goods associated with the BOLL & BRANCH Trademark and by allegedly “featur[ing] an image of an earlier version of the Complainant’s website” – the Respondent has clearly created a likelihood of confusion pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *The Dow Chemical Company v. dwaychemical eva_hwang@21cn.com +86.7508126859*, WIPO Case No. [D2008-1078](#) (finding bad faith where complainant alleged that respondent’s website “fraudulently impersonat[ed] the Complainant” because “[t]he Respondent was clearly specifically targeting the Complainant’s trademark and attempting to divert Internet users searching for the Complainant’s product to the Respondent’s website”); *Emu (Aus) Pty Ltd. and Emu Ridge Holdings Pty Ltd. v. Antonia Deinert*, WIPO Case No. [D2010-1390](#) (“a reasonable person who visited the Respondent’s website was likely to be misled in relation to the source, sponsorship, affiliation, or endorsement of the website and the products purportedly made available for online sale on the website”); and *Cantor Fitzgerald Securities, Cantor Index Limited v. Cantor Index*, WIPO Case No. [D2010-0807](#) (finding bad faith where “Respondent copied text, logos and other elements from Complainant’s website”).

The fact that the website previously associated with the Disputed Domain Name is no longer active, following action taken by the Complainant, is irrelevant and does nothing to undermine a finding of bad faith. Furthermore, bad faith also applies under the passive holding doctrine. As set forth in [WIPO Overview 3.1](#), section 3.3:

From the inception of the UDRP, panelists 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, panelists have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy.

Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent’s registration agreement).

Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa.

Citing *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

Here, the BOLL & BRANCH Trademark is clearly distinctive; the Respondent has failed to submit a response or to provide any evidence of actual or contemplated good-faith use; and, given the composition of the Disputed Domain Name, it is implausible that the Respondent could put it to a non-infringing good faith use.

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 <bollandbranchmall.it.com> be transferred to the Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: September 28, 2026