ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
K & M International, Inc. v. Webb Jerome
Case No. D2026-3743

1. The Parties

Complainant is K & M International, Inc., United States of America ("United States"), represented by Meister Seelig & Schuster PLLC, United States.

Respondent is Webb Jerome, United States.

2. The Domain Name and Registrar

The disputed domain name <wildrepublickuscheltier.com> 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 20, 2026. On August 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on August 28, 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 August 28, 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 September 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 22, 2026.

The Center appointed Scott R. Austin as the sole panelist in this matter on October 5, 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provide evidence sufficient to support:

Complainant K & M International, Inc., doing business as Wild Republic, is an Ohio corporation that designs, distributes, and sells nature-themed toys under the trademark WILD REPUBLIC (the "WILD REPUBLIC Mark") and the trademark CUDDLEKINS ("the CUDDLEKINS Mark"), including plush animals, figurines, and educational products. Complainant markets and distributes its products through retailers in the United States and internationally as well as online.

Complainant states that it has marketed products since at least 1999 and also uses them for certain product lines. Its official domain name <wildrepublic.com>, was registered on October 16, 1998, to access its website at "www.wildrepublic.com" (the "Official WILD REPUBLIC Mark Website").

Complainant owns the following trademark registrations for its marks, including, among others,

United States Trademark Registration No. 2,376,072 for WILD REPUBLIC, registered on August 8, 2000, for toys and games, namely stuffed animals and soft-sculpture animals, in International Class 28;
United States Trademark Registration No. 5,139,042 for WILD REPUBLIC, registered on February 7, 2017, for a range toys, including toy animals, toy cars, plush and stuffed toys, in International Class 28;
United States Trademark Registration No. 5,727,081 for WILD REPUBLIC, registered on April 16, 2019, for children's apparel, in International Class 25 ; and
United States Trademark Registration No. 5,550,307 for CUDDLEKINS, registered on August 28, 2018, for plush toys and stuffed and plush toys, in International Class 28.[1]

The disputed domain name <wildrepublickuscheltier.com> was registered on July 25, 2025, as confirmed by the Registrar. The disputed domain name resolved to what is generally referred to as a "copycat" website prominently displaying the WILD REPUBLIC Mark and purporting to offer Complainant's toy products, including products bearing the CUDDLEKINS mark, at discounted prices.

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. Complainant contends that the disputed domain name is identical or confusingly similar to Complainant's WILD REPUBLIC Mark, that Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith. Notably, Complainant contends that at the time Respondent registered the disputed domain name, the WILD REPUBLIC Mark was well-known within the toy industry and among consumers throughout the United States and around the world based on its multiple retail locations and online platform in use for its toy products. Complainant alleges that the website reproduces product photographs and substantially imitates the layout and presentation of Complainant's official website. Complainant further contends that,

[1] This trademark registration for CUDDLEKINS was not provided by Complainant, but noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Select UDRP Questions (WIPO Overview 3.1), section 4.8.

given Respondent's development and operation of its copycat website combined with the disputed domain name being confusingly similar to Complainant's WILD REPUBLIC Marks and its official domain name, it is impossible to conceive of a circumstance in which Respondent could legitimately use the disputed domain name without creating a false impression of association with Complainant. Respondent's conduct, therefore, sought to take advantage of Complainant's goodwill and the goodwill of the WILD REPUBLIC Marks to create consumer confusion or false association with Complainant that supports targeting as grounds for bad faith registration and use.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case, and it is apparent from the terms of the Policy that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer or cancel a domain name. The absence of a Response does not itself prove the allegations; the Panel must independently assess the Complaint and annexes. WIPO Overview 3.1, sections 4.2 and 4.3.

As the proceedings are administrative, the standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. WIPO Overview 3.1, section 4.2.

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
2. Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. The disputed domain name has been registered and is being used in bad faith.

The Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

A. Identical or Confusingly Similar

Complainant has established rights in the WILD REPUBLIC Mark by submitting evidence of its United States trademark registrations. Such registrations satisfy the threshold requirement of trademark rights for purposes of the first element. WIPO Overview 3.1, section 1.2.1.

The first element serves primarily as a standing requirement and involves a reasoned but relatively straightforward comparison between the mark and the disputed domain name. The WILD REPUBLIC Mark is recognizable in its entirety within the disputed domain name <wildrepublickuscheltier.com>, notwithstanding the omission of the space between the words. WIPO Overview 3.1, section 1.7. See also *RapidShare AG, Christian Schmid v. Protected Domain Services/Dmytro Gerasymenko,* WIPO Case No. D2010-1071; *RapidShare AG and Christian Schmid v. majeed randi*, WIPO Case No. D2010-1089.

The additional German-language word "kuscheltier", meaning "stuffed animal", does not prevent a finding of confusing similarity; although its descriptive relationship to Complainant's goods will be more appropriately considered instead under the second and third elements. The generic Top-Level-Domain ("gTLD") ".com" is ordinarily disregarded in this comparison. WIPO Overview 3.1, sections 1.8 and 1.11.

The Panel finds that Complainant has satisfied its burden under the first element of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy identifies circumstances that may demonstrate a respondent's rights or legitimate interests. Although the overall burden of proof remains with Complainant, once Complainant establishes a prima facie case, the burden of production shifts to Respondent to provide evidence of rights or legitimate interests. WIPO Overview 3.1, section 2.1. See also *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393.

Complainant states that Respondent has no authorization to use its marks and is not commonly known by the disputed domain name. The Registrar identifies the registrant as Webb Jerome, and the record contains no evidence of a corresponding business or trademark right. Nor has Respondent supplied evidence of preparations for a bona fide offering of goods or services or of legitimate noncommercial or fair use. WIPO Overview 3.1, sections 2.2, 2.3 and 2.5.

The screenshots of the website associated with the disputed domain name show apparent imitation of Complainant's official retail website and the prominent display of Complainant's marks in connection with purported sales of its products. On this record, such use falsely suggests affiliation with Complainant and is not a bona fide offering or fair use. WIPO Overview 3.1, sections 2.5.3 and 2.13.1. See also *Fitbit, Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Wei Zhang*, WIPO Case No. D2020-0317.

Complainant has made a prima facie showing which Respondent has not rebutted. The Panel finds the second element of the Policy established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides non-exhaustive examples of circumstances evidencing bad faith registration and use. Complainant relies in particular on paragraphs 4(b)(iii) and 4(b)(iv). WIPO Overview 3.1, sections 3.1.3, 3.1.4 and 3.2.1.

Complainant's WILD REPUBLIC Mark registrations predate by decades Respondent's July 25, 2025, registration of the disputed domain name. The combination of the complete mark with "kuscheltier", a term describing Complainant's stuffed-animal products, together with the subsequent display of Complainant's marks and imitation of its retail website, supports the inference that Respondent knew of and specifically targeted Complainant when registering the disputed domain name. See *Walgreen Co. v. Registration Private, Domains By Proxy LLC / Nitish Maheshwari*, WIPO Case No. D2017-1601; *Bubble Beauty, Inc. v. Jianfeng Lu,* WIPO Case No. D2024-1441.

The record shows that the disputed domain name has been used to attract Internet users to a website presenting itself as associated with Complainant and purporting to sell its products. The Panel finds, on the balance of probabilities, that Respondent intentionally attempted to attract Internet users for its commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement, constituting bad faith registration and use within paragraph 4(b)(iv) of the Policy. WIPO Overview 3.1, sections 3.1.4 and 3.4.

The apparent diversion of customers through a competing imitation storefront also supports Complainant's contention of bad faith registration and use for disruption under paragraph 4(b)(iii), although the finding under paragraph 4(b)(iv) is independently sufficient. WIPO Overview 3.1, section 3.1.3. The Panel does not need to confirm whether the goods were counterfeit or whether actual phishing occurred.

Having considered the record and Respondent's failure to provide any contrary explanation, the Panel finds the third element of the Policy established.

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 <wildrepublickuscheltier.com> be transferred to Complainant.

/Scott R. Austin/
Scott R. Austin
Sole Panelist
Date: October 28, 2026