

## **ADMINISTRATIVE PANEL DECISION**

Spiritmen Limited v. Rylan Fairchild  
Case No. D2026-3798

### **1. The Parties**

The Complainant is Spiritmen Limited, United Kingdom, represented by Com Laude Limited, United Kingdom.

The Respondent is Rylan Fairchild, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <silentpoolginstore.shop> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 25, 2026. On August 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 27, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 31, 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 September 1, 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 September 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 28, 2026.

The Center appointed Daniel Peña as the sole panelist in this matter on September 30, 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 incorporated under the laws of England and Wales which, under the trading name Silent Pool Distillers, produces gin and other spirits at a distillery in Surrey, United Kingdom. Its flagship product is Silent Pool Gin. The Complainant operates an official website, including an online shop, at “www.silentpooldistillers.com”.

The Complainant owns a portfolio of trademark registrations for SILENT POOL and SILENT POOL GIN, including the following:

- United Kingdom Trade Mark No. UK00003034146 for SILENT POOL GIN (word), registered on April 4, 2014, in class 33;
- European Union Trade Mark No. 012914263 for SILENT POOL (word), registered on October 21, 2014, in classes 33, 35, and 40;
- United Kingdom Trade Mark No. UK00912914263 for SILENT POOL (word), registered on October 21, 2014, in classes 33, 35, and 40; and
- International Registration No. 1341747 for SILENT POOL (word), registered on February 10, 2017, in class 33.

According to the Registrar’s Whois record, the disputed domain name was created on May 21, 2026.

The Complainant has provided screenshots, taken on June 18, 2026, showing that the disputed domain name previously resolved to a website presenting itself as a Silent Pool store. That website reproduced the Complainant’s logo, web design graphics, product images, and product descriptions, offered purported SILENT POOL products for sale, in some cases at substantial discounts, and contained no statement disclosing the absence of any relationship with the Complainant. Its footer displayed the copyright notice “© 2026 Silent Pool Gin”, referring to the Complainant’s product. On June 18, 2026, the Complainant’s representative sent a takedown request to the hosting provider of the website. At the time of filing of the Complaint and at the time of this Decision, the disputed domain name does 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 the disputed domain name is confusingly similar to its SILENT POOL GIN mark, as it incorporates that mark in its entirety with the addition of the term “store”, which relates to the Complainant’s own online retail activity and reinforces, rather than dispels, an impression of an official outlet. The Top-Level Domain (“TLD”) “.shop” should be disregarded for the purposes of the comparison.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a licensee of the Complainant, has not been authorized to use its marks, is not commonly known by the disputed domain name, and holds no corresponding trademark rights. The composition of the disputed domain name carries a risk of implied affiliation. The Respondent cannot claim to be a legitimate reseller: the website reproduced the Complainant’s copyright material, offered goods that, being sold outside the Complainant’s authorized distribution network, were likely counterfeit, parallel-import

or “grey market” products, and contained no disclaimer, thus failing the test set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) (“Oki Data”). The current passive holding of the disputed domain name confers no rights or legitimate interests.

As to bad faith, the Complainant contends that the Respondent, with knowledge of the Complainant and its marks, registered the disputed domain name and used it to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s marks as to source, sponsorship, affiliation, or endorsement, within the meaning of paragraph 4(b)(iv) of the Policy, and that the Respondent disrupted the Complainant’s business by diverting consumers from its official website. The Complainant relies, among other decisions, on *Inter IKEA Systems B.V. v. Domains By Proxy, LLC / mustafa Yildiz*, WIPO Case No. [D2013-1146](#), and *Louis Tomlinson c/o Lee & Thompson LLP v. Whois Privacy, Private by Design, LLC / minh pham Cardinal*, WIPO Case No. [D2021-1542](#), and notes that it previously prevailed in *Spiritmen Limited v. taylorn taylorn*, WIPO Case No. [D2026-1925](#), concerning <silentpooldistillers.shop>.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant must establish each of the following three elements to obtain the transfer of the disputed domain name:

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

The Respondent’s failure to respond does not automatically result in a decision in favor of the Complainant. The Panel must nonetheless decide the Complaint on the basis of the statements and documents submitted and may draw such inferences from the Respondent’s default as it considers appropriate, in accordance with paragraphs 14 and 15(a) of the Rules. The Panel is satisfied that the Center discharged its obligations under paragraph 2(a) of the Rules to employ reasonably available means calculated to achieve actual notice to the Respondent, including by email to the address disclosed by the Registrar and by courier to the Respondent’s postal address.

### **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, in particular through its United Kingdom registration for SILENT POOL GIN. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the SILENT POOL GIN mark is reproduced within the disputed domain name, followed by the term “store”. Although the addition of other terms may bear on the assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark, which remains clearly recognizable. [WIPO Overview 3.1](#),

section 1.8. The TLD “.shop” is a standard registration requirement and is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

The Panel finds that the first element of paragraph 4(a) of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name. Although the overall burden of proof rests with the complainant, panels recognize that proving a respondent lacks rights or legitimate interests may require information primarily within the respondent's knowledge or control. Accordingly, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating such rights or legitimate interests. If the respondent fails to do so, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise authorized the Respondent to use its marks. Nothing in the record suggests that the Respondent, identified by the Registrar as “Rylan Fairchild”, has been commonly known by the disputed domain name or holds any corresponding trademark rights. 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 Panel has also considered whether the Respondent's prior use could qualify as a bona fide offering of goods under paragraph 4(c)(i) of the Policy as a reseller of the Complainant's products. Under the cumulative Oki Data requirements, among other things, the site must accurately and prominently disclose the registrant's relationship with the trademark holder. [WIPO Overview 3.1](#), section 2.8.1. Far from making any such disclosure, the Respondent's website reproduced the Complainant's logo, product images, and descriptions, presented itself as a Silent Pool store, and displayed the copyright notice “© 2026 Silent Pool Gin”. Such use together with the composition of the disputed domain name falsely suggests affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1. Having so found, the Panel need not determine whether the remaining Oki Data requirements were met, nor whether the goods offered were genuine. Moreover, the current non-use of the disputed domain name does not give rise to rights or legitimate interests.

The Panel finds that the second element of paragraph 4(a) 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. Paragraph 4(b)(iv) of the Policy provides that bad faith is shown 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 website or of a product on it.

The Complainant invites the Panel to presume bad faith from the mere registration of the disputed domain name under section 3.1.4 of the [WIPO Overview 3.1](#). The Panel considers it unnecessary to determine whether the Complainant's mark is well known for that purpose, since the record contains direct evidence of the Respondent's targeting of the Complainant.

The disputed domain name, registered more than a decade after the Complainant's SILENT POOL GIN mark, combines that mark in its entirety with the term "store", which corresponds to the Complainant's own retail activity. The Respondent then used the disputed domain name for a commercial website that reproduced the Complainant's logo, product images, and descriptions, offered purported SILENT POOL products for sale at discounted prices, displayed the copyright notice "© 2026 Silent Pool Gin", and contained no disclaimer. In these circumstances, the Panel is satisfied that the Respondent was aware of the Complainant and its mark when registering the disputed domain name, and that the Respondent 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 website and the products offered on it, within the meaning of paragraph 4(b)(iv) of the Policy. [WIPO Overview 3.1](#), sections 3.1.4 and 3.2.1. Having reached this finding, the Panel need not address the Complainant's further contentions under paragraph 4(b)(iii) of the Policy or determine whether the goods offered were counterfeit.

The fact that the disputed domain name no longer resolves to an active website, following the Complainant's takedown request to the hosting provider, does not alter this conclusion. The Respondent's prior bad faith use is established on the record, and the Panel does not rely on the doctrine of passive holding. The Respondent's failure to respond to the Complaint or to offer any explanation for its conduct further supports the Panel's finding.

The Panel finds that the Complainant has established 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 disputed domain name <silentpoolginstore.shop> be transferred to the Complainant.

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: October 14, 2026