ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Fleischer Studios, Inc. v. Garret Schmidt
Case No. D2026-3950

1. The Parties

Complainant is Fleischer Studios, Inc., United States of America ("United States"), represented by Venable, LLP, United States.

Respondent is Garret Schmidt, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <bettyboop.net> (the "Disputed Domain Name") is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 3, 2026. On September 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 3, 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 User #0a17fcf0, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on September 4, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on September 4, 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 Respondent of the Complaint, and the proceedings commenced on September 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Response was filed with the Center on September 16, 2026. Respondent sent an email communication to the Center on September 18, 2026, in response to Complainant's supplemental submission filed on September 17, 2026. On October 16, 2026, the Panel

issued Administrative Panel Procedural Order No. 1, inviting Respondent to comment on the Complainant's Supplemental Filing. Respondent filed his supplemental submission on October 21, 2026.

The Center appointed Richard W. Page as the sole panelist in this matter on September 24, 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

Complainant is a California corporation located in Los Angeles, United States. Complainant is a pioneering animation studio renowned for its groundbreaking techniques and iconic characters, most notably Betty Boop. Since its founding, Complainant has played a major role in the development of animated entertainment. Today, Complainant continues to actively manage and license its intellectual property rights, including those associated with Betty Boop and other well-known characters, to partners around the world.

Complainant is the owner of the BETTY BOOP marks (the "BETTY BOOP Mark"), including the word mark and design mark in a number of international classes in numerous jurisdictions around the world, including without limitation:

United States Registration No. 2,374,258 for BETTY BOOP registered August 8, 2000 in international class 9;

United States Registration No. 2,378,474 for BETTY BOOP registered August 22, 2000 in international class 16; and

United States Registration No. 2,430,642 for BETTY BOOP registered February 27, 2001 in international classes 6, 14, 18, 21, 25, 26, and 41.

The Disputed Domain Name was registered on December 2, 2024. Respondent states, with supporting evidence, that he acquired the Disputed Domain Name through an auction on January 2, 2026. It resolves to a website which has a BETTY BOOP theme and history without items for direct sale (book sales are by redirection to Amazon).

5. Parties' Contentions

A. Complainant

Complainant contends that it principally markets the BETTY BOOP Mark for consumer services and products, including without limitation, multimedia goods and services, clothing, jewelry, cosmetics, and collectibles. Complainant further contends that it owns trademark rights in the BETTY BOOP Mark, separate and apart from the copyright status of any related historical work.

Complainant submits that it conducts business on the Internet, and that the BETTY BOOP Mark has a strong Internet presence. For example, Complainant operates a website at <bettyboop.com>. In addition, Complainant's Facebook account "Betty Boop" has over 1.5 million followers and its Instagram account @bettyboop has over 276,000 followers.

Complainant further submits that it has expended substantial resources advertising, promoting, developing, and protecting the BETTY BOOP Mark. Complainant further submits that its extensive efforts would be undermined if third parties were permitted to register domain names consisting entirely of the BETTY BOOP Mark, like the Disputed Domain Name <bettyboop.net>, and use them in a manner that falsely suggests source, sponsorship, affiliation, or endorsement by Complainant.

Complainant further submits that it has not licensed or authorized Respondent to use the BETTY BOOP Mark in a domain name or in any other manner.

Complainant further submits that Respondent is not commonly known by the Disputed Domain Name.

Complainant further submits that, given the identical nature of the Disputed Domain Name, the commercial link to the book, the prominent BETTY BOOP branding on the site, and the inclusion of Betty Boop video content, Respondent's actual use creates a false impression that the site is operated, sponsored, approved, or licensed by Complainant.

Complainant alleges that Respondent is attempting to mislead consumers into believing that Respondent is related to or affiliated with Complainant, or that Respondent is authorized to use the BETTY BOOP Mark, when Respondent is not.

Complainant further alleges that Respondent's website prominently displays the BETTY BOOP Mark, promotes a book through a "GET YOUR COPY NOW" link to Amazon, and provides access to Betty Boop animated video content, including videos owned by Complainant that are not in the public domain but were posted on Respondent's YouTube account without authorization.

Complainant further alleges that Respondent's actions constitute opportunistic bad faith under paragraph 4(b)(iv) of the Policy.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent contends that Complainant has not satisfied the elements required under the Policy for a transfer of the Disputed Domain Name.

Respondent contends that Complainant is a California corporation created from a merger of itself and a branch in New York in 1992. Complainant has failed to make the distinction to the Panel that it is an entity legally separate and distinct from the original Fleischer Studios, Inc, which went defunct in 1942 upon its acquisition by Paramount Pictures and reorganization as Famous Studios. Respondent further contends that Complainant acquired its portion of interest in the Betty Boop character from the purchase of a batch of original cartoon copyrights from Republic Pictures in 1997.

Respondent further contends that Complainant lacks common law trademark rights in the BETTY BOOP Mark.

Respondent submits that his website contains a bona fide offering of goods and services, in compliance with the *Oki Data* test.

Respondent further submits that the book "Betty Boop's Movie Cartoon Lessons" was in the public domain and five identified cartoons had entered the public domain, thus he is authorized to use it on his website.

Respondent further argues that the website clearly discloses his lack of affiliation with Complainant through a prominent entry pop-up as follows "(Important Notice), (BettyBoop.net is NOT affiliated with Fleischer Studios, Inc. or Paramount Skydance Corp.), (Looking for the official Fleischer Betty Boop website?), (Visit BettyBoop.com), (Continue to BettyBoop.net)", and a footer notice.

C. Supplemental Filings

Complainant submits that Respondent is not selling any goods on the website to which the Disputed Domain Name resolves. Instead, Respondent is using the website to redirect consumers to an Amazon product listing. Complainant further submits that such redirection fails to establish the first element of the *Oki Data* test.

Complainant further submits that Respondent also fails to establish the second element of the *Oki Data* test. Respondent is not selling authorized trademarked goods through Amazon. By Respondent's own admission, it has taken a free resource available on Complainant's authentic website and is now selling it as a "published" book using the BETTY BOOP Mark.

Complainant alleges the Respondent used the Disputed Domain Name and the website to which it resolves to redirect consumers to his unauthorized Amazon product listing to generate revenue. Complainant further alleges that such use is neither a bona fide sale nor a legitimate use.

Complainant further alleges that Respondent's purchase of the Disputed Domain Name at auction does not mean that the use and purchase of the Disputed Domain Name is in good faith.

Respondent reiterates, in his supplement filing, that he is acting in good faith and that Complainant is acting in bad faith and engaged in Reverse Domain Name Hijacking ("RDNH").

6. Discussion and Findings

6.1. Preliminary Matter: Supplemental Filings

The Complainant submitted a Supplemental Filing on September 17, 2026. Pursuant to paragraphs 10 and 12 of the Rules, in the interests of ensuring that the Parties were treated with equality and afforded a fair opportunity to present their respective cases, the Panel invited the Respondent to reply to the Complainant's Supplemental Filing and the Respondent submitted a Supplemental Filing on October 21, 2026. Accordingly, the Panel accepts and has considered the Parties' Supplemental Filings in the below findings.

6.2. Substantive Matters

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following three elements:

i) that the Disputed Domain Name is identical or confusingly similar to the BETTY BOOP Mark in which Complainant has rights; and

ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

iii) that the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.2.1 states that registration of a trademark, here the BETTY BOOP Mark, prima facie satisfies the threshold requirement of Complainant having trademark rights for purposes of standing to file a UDRP case.

The United States trademark registrations for the BETTY BOOP Mark identified above are issued to Complainant, which is a corporation in "good standing" with the Secretary of State in California.

The Panel finds that Respondent has presented no evidence to the contrary.

Complainant has shown rights in respect of the BETTY BOOP Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

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 BETTY BOOP Mark and the Disputed Domain Name. WIPO Overview 3.1, section 1.7.

The entirety of the BETTY BOOP Mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is identical to the BETTY BOOP Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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 Respondent may demonstrate rights or legitimate interests in the Disputed Domain Name.

Paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or legitimate interests in the Disputed Domain Name:

(i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or

(ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or

(iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the BETTY BOOP Mark.

Although the overall burden of proof in UDRP proceedings is on Complainant, panels have recognized that proving that Respondent lacks rights or legitimate interests in the Disputed Domain Name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of Respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. WIPO Overview 3.1, section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has sought to rebut Complainant's prima facie showing and Complainant has made supplemental arguments.

The Panel finds that Respondent is not commonly known by the Disputed Domain Name.

The Panel further finds that Respondent's use of the identical domain name to host links redirecting sales to Amazon does not constitute bona fide sales.

The Panel further finds that Respondent's use of BETTY BOOP as a source identifier is not a legitimate fair use.

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 the Disputed Domain Name in bad faith.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

(i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the BETTY BOOP Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

(ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the BETTY BOOP Mark from reflecting the BETTY BOOP Mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the BETTY BOOP Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

The Panel finds that Respondent's use of a disclaimer does not prevent a finding of likelihood of confusion and that the actions of Respondent meet the criteria of paragraph 4(b)(iv) of the Policy.

The Panel finds that Complainant has established the third element of the Policy.

D. Reverse Domain Name Hijacking

In order to prevail on a claim of RDNH, Respondent must prevail against Complainant on the underlying claims. Therefore, the RDNH claim fails.

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 <bettyboop.net> be transferred to Complainant.

/Richard W. Page/
Richard W. Page
Sole Panelist
Date: October 26, 2026