ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CSB LLC v. Công Ty Tnhh Thế Anh Group
Case No. D2026-4113

1. The Parties

The Complainant is CSB LLC, United States of America (or "U.S."), represented by Relief Law PLLC, United States of America.

The Respondent is Công Ty Tnhh Thế Anh Group, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <shirtbutcool.com> (the "Disputed Domain Name") is registered with Nhan Hoa Software Company Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed, in English, with the WIPO Arbitration and Mediation Center (the "Center") on September 12, 2026. On September 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 17, 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 (Registration Private) and contact information in the Complaint.

On September 18, 2026, the Center informed the parties in Vietnamese and English, that the language of the registration agreement for the Disputed Domain Name is Vietnamese and provided the registrant and contact information disclosed by the Registrar and invited the Complainant to submit an amendment to the Complaint. On the same date, the Complainant confirmed its request that English be the language of the proceeding and filed an amended Complaint.

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 in English and Vietnamese the Respondent of the Complaint, and the proceedings commenced on September 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 14, 2026.

The Center appointed Pham Nghiem Xuan Bac as the sole panelist in this matter on October 19, 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 was formed in 2024 to continue operating the SHIRTBUTCOOL business, which was originally founded by Cemal Serdar Babadag in 2020 and specializes in online retail clothing store services and custom apparel. The Complainant is an online retailer, having achieved approximately 96,500 lifetime Etsy sales since 2020 and documented over 46,000 payment transactions between 2022 and 2025, serving consumers globally through its online storefront. For the 2022-2025 period, the Complainant's total gross commercial activity reached seven figures in USD.

The Complainant relies on its common law trademark rights in the element SHIRTBUTCOOL (the "SHIRTBUTCOOL trademark") acquired through extensive use in commerce since 2020, which is further corroborated by its pending U.S. Trademark Application No. 99511347 for the SHIRTBUTCOOL trademark for online retail clothing store services in International Class 35. The application claims first use in commerce on November 1, 2020.

Despite not having any domain names, the Complainant owns and operates the SHIRTBUTCOOL Etsy shop created on September 3, 2020, which serves consumers globally.

The Disputed Domain Name was registered on July 24, 2025. As of the date of the Complaint, the Disputed Domain Name resolves to an active commercial e-commerce website that identifies itself as "Shirtbutcool Boutique" and offers competing custom apparel and related merchandise. Also, product imagery on the website reproduces the Complainant's SHIRTBUTCOOL BOUTIQUE branding.

5. Parties' Contentions

A. Complainant

The Complainant contends that each of the elements specified in paragraph 4(a) of the Policy are satisfied in the present case, as follows:

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant contends that the Disputed Domain Name is identical to its SHIRTBUTCOOL trademark. The Complainant submits that it has acquired common law trademark rights in SHIRTBUTCOOL through extensive and continuous commercial use since 2020. The Complainant relies on the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.3, which provides that unregistered or common law trademark rights may be established where a designation has become a distinctive identifier associated by consumers with a complainant's goods or services and points to the duration and nature of use, the amount of sales under the mark, advertising and marketplace presence, actual public recognition, and other evidence of acquired distinctiveness.

The Complainant further submits that the fact that the Complainant was organized after the business began does not break the continuity of the underlying rights where the business and its associated goodwill have passed to the successor. See, e.g., *Giuseppe Mellia Jr. v. Daniel Wegman*, WIPO Case No. D2026-0397, in which the panel accepted that common-law rights may be asserted by a successor-in-interest where the underlying business and goodwill were transferred and the business continued under the same mark. The Complainant submits evidence of that continuity and a confirmatory assignment from the founder to the Complainant.

The Complainant submits that the Disputed Domain Name incorporates the SHIRTBUTCOOL trademark in its entirety. Unlike cases involving typosquatting, the Disputed Domain Name is an exact-match reproduction of the Complainant's mark. Under WIPO Overview 3.1, the generic Top-Level Domain ("gTLD") (".com") is a standard registration requirement and should be disregarded when assessing confusing similarity.

Accordingly, the Disputed Domain Name is identical to the Complainant's SHIRTBUTCOOL trademark within the meaning of paragraph 4(a)(i) of the Policy.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant submits that the Complainant has not discovered any evidence that the Respondent is commonly known by the Disputed Domain Name independently of the Disputed Domain Name registration and website.

The Complainant submits that it has not authorized, licensed, or otherwise permitted the Respondent to use the SHIRTBUTCOOL mark or branding in any manner, and that there is no commercial or corporate relationship between the Complainant and the Respondent that would give rise to any right or legitimate interest in the Disputed Domain Name.

The Complainant relies on WIPO Overview 3.1, sections 2.1, 2.5.1, and 2.13.1, which provide that the Respondent's use of the Disputed Domain Name does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Respondent operates a competing commercial website under the exact SHIRTBUTCOOL identity and is using branding associated with Complainant.

The Complainant further relies on recent WIPO decisions treating commercial websites that reproduce a complainant's marks, logos, and product imagery as inconsistent with a bona fide offering, including *JULBO v. dongmei tong*, WIPO Case No. D2026-1600, and *Streamlight, Inc. v. CREAMER DAKOTA*, WIPO Case No. D2026-1360.

Accordingly, the Complainant submits that it has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name within the meaning of paragraph 4(a)(ii) of the Policy.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

The Complainant submits that the Respondent registered the Disputed Domain Name with full knowledge of the Complainant's well-established SHIRTBUTCOOL trademark. The Disputed Domain Name was registered on July 24, 2025, nearly five years after the Complainant commenced its continuous commercial use of the SHIRTBUTCOOL mark in September 2020. Notably, the Respondent's website prominently features the Complainant's brand used at its Etsy site "Shirtbutcool boutique", reproduces product mockups, and even displays the Complainant's official contact email address without authorization. These circumstances provide compelling evidence that the Respondent was fully aware of the Complainant and its trademark and deliberately targeted them when registering the Disputed Domain Name.

The Complainant further submits that the Respondent is using the Disputed Domain Name to attract Internet users, for commercial gain, to a competing e-commerce website offering custom apparel. By reproducing the Complainant's branding and contact details, the Respondent has intentionally created a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of its website under paragraph 4(b)(iv) of the Policy, which has resulted in actual consumer confusion.

The Complainant submits that the case does not depend on the exact-match Disputed Domain Name alone. The record includes years of prior use, substantial seven-figure commercial activity before the Disputed Domain Name was registered, tens of thousands of pre-registration payment transactions, approximately 96,500 lifetime Etsy sales, copied branding, directly overlapping commercial activity, and actual confusion. Accordingly, the Complainant submits that the Disputed Domain Name was registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

With the said arguments, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Name is Vietnamese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that English be the language of the proceeding on the grounds that: (i) the website associated with the Disputed Domain Name contains English-language content and its navigation, product listings, product descriptions, commercial content, and customer-facing material are in English; and (ii) requiring translation of the Complaint and supporting evidence into Vietnamese would cause unnecessary cost and delay.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview 3.1, section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

A. Identical or Confusingly Similar

The Complainant has provided evidence demonstrating that it has continuously used the SHIRTBUTCOOL trademark in commerce since September 2020.

Under section 1.3 of the WIPO Overview 3.1, unregistered or common law trademark rights may be established where a mark has become a distinctive identifier associated by consumers with the complainant's goods or services. Relevant considerations include the duration and nature of use of the trademark, the extent of commercial activities conducted under the trademark, advertising and promotional efforts, and evidence of public recognition.

In this regard, the Panel takes into consideration the following factors:

(i) the Complainant, an online retailer, having achieved approximately 96,500 lifetime Etsy sales under SHIRTBUTCOOL since 2020 and documented over 46,000 payment transactions between 2022 and 2025;

(ii) the Respondent's use of the Disputed Domain Name which resolves to an active website offering clothing online under the name SHIRTBUTCOOL, shows that the Respondent has been targeting the Complainant and its SHIRTBUTCOOL trademark. This supports the Complainant's assertion that its SHIRTBUTCOOL trademark has achieved significance as a source identifier;

(iii) the Respondent has not challenged the Complainant's evidence or its claim to unregistered trade mark rights.

In the Panel's view, the Complainant's evidence of use of the SHIRTBUTCOOL trademark (as stated in the Section 5.A (i) above) is sufficient to prove that the SHIRTBUTCOOL trademark has obtained distinctiveness and served as a source identifier, at least in the sector of online retail clothing. In this matter, the Panel notes that the fact that secondary meaning may only exist in a particular geographical area or market niche does not preclude the complainant from establishing trademark rights (and as a result, standing) under the UDRP. WIPO Overview 3.1, section 1.3.

Accordingly, the Panel finds that the Complainant has sufficiently evidenced that it has rights in and to the SHIRTBUTCOOL trademark, which has acquired distinctiveness/secondary meaning through its intensive use.

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

In addition, the Panel determines that the addition of the gTLD ".com" in the Disputed Domain Name is disregarded, as it is viewed as a technical necessity. WIPO Overview 3.1, section 1.11.1.

The Panel finds that 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 Name. 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.

Paragraph 4(c) of the Policy lists circumstances, in particular but without limitation, which, if found by the Panel to be proved, demonstrate the Respondent's rights or legitimate interests in the Disputed Domain Name for the purposes of paragraph 4(a)(ii) of the Policy, including:

"(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Regarding paragraph 4(c)(i) of the Policy, the Panel finds, based on the Complainant's submissions and supporting evidence, that the Respondent has not been granted any license, permission, or authorization to use the Complainant's SHIRTBUTCOOL trademark. Further, there is no evidence in the record to suggest that the Respondent owns any registered or unregistered trademark rights in any jurisdiction in respect of the term "shirtbutcool". Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

The Panel further finds that the Disputed Domain Name reproduces the Complainant's trademark in its entirety and is used in connection with a commercial website that reproduces the SHIRTBUTCOOL boutique branding used by the legitimate Etsy business. In the Panel's view, such use, without any authorization and without any clear and accurate disclaimer of relationship (or lack of) with the Complainant, cannot constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. WIPO Overview 3.1, section 2.13.1, recognizes that impersonation, passing off, and other illegitimate activity cannot create rights or legitimate interests. Also, the exact-match nature of the Disputed Domain Name creates a high risk of implied affiliation under section 2.5.1.

Regarding paragraphs 4(c)(ii) and 4(c)(iii) of the Policy, the Panel finds no evidence that the Respondent, whether as an individual, business, or other organization, has been commonly known by the Disputed Domain Name, nor is there any indication that the Respondent is making a legitimate noncommercial or fair use of it.

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, including:

"(i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) you have 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 you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you 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 Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

In the present case, the Panel finds that the Complainant has established that the Disputed Domain Name was registered and is being used in bad faith. The Respondent has not submitted a response and has therefore failed to rebut the Complainant's evidence.

The Panel has considered the Complainant's assertions and evidence concerning the Respondent's registration and use of the Disputed Domain Name. The Panel notes that the Complainant's SHIRTBUTCOOL trademark has been used intensively since 2020 and gained a certain reputation in the online clothing retailing sector. The Panel finds that these common-law trademark rights and their associated reputation predate the registration of the Disputed Domain Name.

The Disputed Domain Name incorporates the Complainant's SHIRTBUTCOOL trademark in its entirety. Given the acquired distinctiveness of the SHIRTBUTCOOL trademark and its established reputation in the online retail clothing sector, the Panel finds it implausible that the Respondent registered the Disputed Domain Name without knowledge of the Complainant and its trademark. On the contrary, the Panel is of the view that the Respondent was clearly aware of the Complainant and deliberately chose the Disputed Domain Name in order to create an association with the Complainant.

The Panel further observes that the Disputed Domain Name resolves to an active ecommerce website that identifies itself as "Shirtbutcool Boutique" and offers apparel and related merchandise. The website reproduces the SHIRTBUTCOOL trademark and the "Shirtbutcool boutique" branding used by the legitimate Etsy business, including the SHIRTBUTCOOL trademark placed on or adjacent to apparel imagery and within product listing images. Such use is liable to mislead Internet users into believing that the website is operated by, affiliated with, or endorsed by the Complainant.

Significantly, the Respondent displayed the Complainant's longstanding business email address, as a contact address on the disputed website without authorization. This conduct provides a direct explanation for the consumer confusion, as customers of the Respondent's website were led to contact the Complainant in connection with transactions in which the Complainant had no involvement.

In the Panel's view, these circumstances, taken together, provide compelling evidence that the Respondent was aware of the Complainant's pre-existing business and deliberately appropriated its commercial identity. The Panel considers that the documented instances of actual confusion, together with the Respondent's unauthorized reference to the Complainant's business email address, further support a finding that the Respondent intentionally targeted the Complainant and sought to create a misleading association between the Disputed Domain Name and the Complainant's business. The Panel therefore concludes that, by using the Disputed Domain Name, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website and the products offered thereon.
This constitutes evidence of bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Taking into account all of the above, 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 <shirtbutcool.com> be transferred to the Complainant.

/Pham Nghiem Xuan Bac/
Pham Nghiem Xuan Bac
Sole Panelist
Date: November 2, 2026