ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CABOT BRAND CO. LTD. v. Odessa Brooks
Case No. D2026-4216

1. The Parties

The Complainant is CABOT BRAND CO. LTD., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Odessa Brooks, United States of America.

2. The Domain Name and Registrar

The disputed domain name <shopcabotvogue.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 September 18, 2026. On September 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (Dynadot Privacy Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 22, 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 September 23, 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 September 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 15, 2026.

The Center appointed Tommaso La Scala as the sole panelist in this matter on October 21, 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 Canadian-based company operating luxury residential, resort and golf destinations under the CABOT trademark and it also sells CABOT-branded clothing, apparel and other merchandise.

The Complainant owns a portfolio of trademark registrations for CABOT (both word and figurative) in Canada, the United States, the European Union, the United Kingdom and elsewhere, the earliest of which date back to 2013, including – as a mere example – the following:

- Canadian Registration No. TMA844838 for CABOT (figurative), registered on February 26, 2013, for classes 16, 18, 24, 25, 28, 35, 41 and 43;

- United States Registration No. 6077428 for CABOT (word), registered on June 16, 2020, for class 41;

- European Union Trade Mark Registration No. 019153994 for CABOT (word), registered on November 2, 2025, for classes 16, 18, 21, 24, 25, 28, 32, 33, 35, 36, 37, 41, 43 and 44.

The disputed domain name was registered on June 13, 2026, and it has been used to resolve to a website named “Cabot Cape Breton”, prominently displaying the Complainant’s CABOT trademarks and logos and offering for sale, at heavily discounted prices, apparel and golf merchandise branded with the names of the Complainant’s golf destinations.

On July 15, 2026, a customer of the Complainant wrote to the latter, asking for confirmation as to whether the website at the disputed domain name was authentic.

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:

(a) the disputed domain name is confusingly similar to the Complainant’s CABOT trademark, which is entirely reproduced therein, with the mere addition of the descriptive terms “shop” and “vogue”, which would be understood as a reference to fashion;

(b) the Respondent lacks any rights or legitimate interests in the disputed domain name, having never been authorized by the Complainant and not being commonly known by the disputed domain name;

(c) the Respondent registered and is using the disputed domain name in bad faith, namely for impersonating the Complainant in order to mislead Internet users for undue commercial purposes, as also demonstrated by instances of actual confusion, and possibly for collecting personal and financial information of Internet users.

B. Respondent

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

6. Discussion and Findings

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 the CABOT trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name consists of the CABOT trademark with the addition of the terms "shop" and "vogue", while the generic Top-Level Domain ".shop" is disregarded as a standard registration requirement. WIPO Overview 3.1, section 1.11. This Panel agrees with the Complainant's assertion that the Complainant's mark is clearly recognizable within the disputed domain name. Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds that the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

Therefore, the Panel finds the disputed domain name to be confusingly similar to the CABOT trademark in which the Complainant has rights.

Accordingly, 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.

This Panel finds that the Complainant has made a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name. As a matter of fact, the Respondent does not appear to be commonly known by the name "Cabot" and/or any similar name. The Respondent has no connection to or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. Lastly, the Respondent has used the disputed domain name to illicitly impersonate the Complainant through a fake online store presenting itself as "Cabot Cape Breton", i.e., the name of one of the Complainant's golf destinations, and offering CABOT-branded merchandise without any disclaimer.

Having reviewed the available record and considering that 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 finds the Complainant has established that the Respondent lacks rights or legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, here impersonation and passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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.

The disputed domain name was registered several years after the Complainant's trademarks and has been used to redirect toward a website reproducing the Complainant's trademarks and logos and the names of the Complainant's golf destinations. This conduct is, in the Panel's view, sufficient to show that the Respondent not only knew of the Complainant and its trademark, but intentionally targeted them when registering the disputed domain name.

The Complainant has documented that the Respondent has purposely registered and used the disputed domain name to attempt to mislead Internet users by impersonating the Complainant's official online store. By doing so, 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 its website, under paragraph 4(b)(iv) of the Policy. Such likelihood of confusion is not merely theoretical, as shown by the email sent to the Complainant by one of its customers asking whether the Respondent's website was authentic.

Panels have held that the use of a domain name for illegitimate activity, here impersonation and passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. In light of the above, the Panel does not need to determine whether the Respondent's website was also used for collecting Internet users' personal and financial information for fraudulent purposes, as alleged by the Complainant.

The Panel finds that the Respondent's use of the disputed domain name constitutes a disruption of the Complainant's business and qualifies as bad faith registration and use under the Policy.

The third element of the Policy has been 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 <shopcabotvogue.shop> be transferred to the Complainant**.**

/Tommaso La Scala/
Tommaso La Scala
Sole Panelist
Date: November 2, 2026