ARBITRATION
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# ADMINISTRATIVE PANEL DECISION
Impeccable Works, LLC v. Nanci Nette
Case No. D2026-4372

## 1. The Parties

The Complainant is Impeccable Works, LLC, United States of America ("United States"), represented by Fogle Law, United States.

The Respondent is Nanci Nette, United States.

## 2. The Domain Name and Registrar

The disputed domain name <sayitinacard.com> is registered with Network Solutions, LLC (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 28, 2026. On September 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 29, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 October 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2026.

The Center appointed Evan D. Brown as the sole panelist in this matter on October 27, 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 in the business of creating and selling greeting cards. It owns United States Registration No. 7,863,124, registered on July 15, 2025, for the mark SAY IT IN A CARD and design, covering greeting cards in International Class 16, with First Use in Commerce of March 8, 2005. The Complainant previously owned United States Registration No. 3,249,406, registered on June 5, 2007, for the mark SAY IT IN A CARD and design, also covering greeting cards. The earlier registration expired. The Complainant asserts that it has continuously used the mark since March 8, 2005.

The disputed domain name was originally registered on January 18, 2005. According to the Complainant, it originally registered the disputed domain name and used it in connection with its business, but subsequently lost the registration due to an administrative error. The Respondent is the current registrant of the disputed domain name.

At the time of this decision, the disputed domain name resolves to a webpage displaying pay-per-click links relating to greeting cards and related products, including birthday cards, personalized greeting cards, stationery, and wedding invitations[1].

On July 23 and July 27, 2026, the Complainant sent correspondence to the Respondent asserting its trademark rights and requesting transfer of the disputed domain name. The Respondent did not reply to that correspondence.

## 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.

In particular, the Complainant claims that it initially registered the disputed domain name on January 18, 2005, and thereafter used the disputed domain name for its business of creating and selling greeting cards. At some point prior to the Respondent's registration of the disputed domain name, the Complainant lost the disputed domain name due to an administrative error. The Complainant further claims that the disputed domain name has been used to host a malicious scareware website that appears to distribute malware.

### 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 3.1, section 1.7.

[1] Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

The Complainant has demonstrated its rights in the SAY IT IN A CARD mark by providing evidence of United States Registration No. 7,863,124, registered on July 15, 2025, for the mark SAY IT IN A CARD and design, covering greeting cards. See WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates the textual elements of the SAY IT IN A CARD mark in their entirety. To the extent that design elements of the mark would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity. See WIPO Overview 3.1, sections 1.7 and 1.10. The disputed domain name is therefore identical to the SAY IT IN A CARD mark.

The Panel finds the first element of the Policy has been established.

**B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent, with the burden of proof always remaining with the Complainant. See WIPO Overview 3.1, section 2.1.

The Complainant asserts that it has not authorized the Respondent to use its SAY IT IN A CARD mark. The Complainant further alleges that the Respondent uses the disputed domain name to redirect Internet users to a scareware website, and contends that such use does not constitute a bona fide offering of goods or services.

The record does not contain evidence establishing the alleged scareware activity. At the time of drafting this decision, the disputed domain name redirects to a webpage displaying pay-per-click links relating to greeting cards and related products. However, the two circumstances do not necessarily preclude one another, and absent any rebuttal from the Respondent, the Panel sees no reason to discount the Complainant's assertions.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. Having considered the available record, the Panel finds that the Complainant has established the second element of the Policy.

**C. Registered and Used in Bad Faith**

The Panel notes that, for 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 originally registered by the Complainant on January 18, 2005. However, the relevant date for assessing bad-faith registration is ordinarily the date on which the Respondent acquired the disputed domain name, rather than its original creation date. See WIPO Overview 3.1, section 3.9.

The Complainant asserts that it originally registered and used the disputed domain name in connection with its greeting-card business but subsequently lost the registration due to an administrative error. The Respondent is the current registrant. Although the record does not establish precisely when the Respondent acquired the disputed domain name, the Respondent has not disputed the Complainant's account of its prior ownership and subsequent loss of the registration.

Through its independent review, the Panel notes that the Internet Archive's Wayback Machine contains 85 historical captures of the disputed domain name between July 1, 2006, and December 9, 2025. [2] Those captures show that the disputed domain name was historically used in connection with a website displaying the Complainant's figurative trademark and offering greeting cards for sale. The Panel further notes that the current WhoIs record for the disputed domain name reflects an "updated" date of February 24, 2026. While an updated date in a WhoIs record does not, by itself, establish a change in registrant or ownership, the Panel considers it relevant in the circumstances that the historical use associated with the Complainant continued until at least December 9, 2025, whereas the WhoIs record reflects a subsequent update on February 24, 2026. Taking these circumstances together, and in the absence of any explanation or rebuttal from the Respondent, the Panel finds, on the balance of probabilities, that the Respondent more likely than not acquired the disputed domain name after December 9, 2025.

Other panels have found bad-faith registration and use in circumstances involving the acquisition of domain names previously owned by complainants following an inadvertent lapse in registration. See *Theodoor Gilissen Bankiers N.V. v. AbdulBasit Malaani*, WIPO Case No. D2013-1229; *Sam's Flaming Grill Inc. v. Perfect Privacy LLC / Jan Everno, The Management Group II*, WIPO Case No. D2019-2135. In those cases, the panels considered the complainants' prior ownership of the disputed domain names and the respondents' subsequent use of those domain names in connection with advertising links relating to the complainants' respective businesses. The Panel recognizes that those cases also involved additional evidence of bad faith, and considers them in light of the particular circumstances of this proceeding.

In the present case, the Complainant alleges that the disputed domain name redirects Internet users to a malicious scareware website. The present website at the disputed domain name does not establish the alleged malware activity. The disputed domain name resolves to a webpage displaying pay-per-click links relating to greeting cards and related products, corresponding to the Complainant's area of business.

The Panel recognizes that the words comprising the disputed domain name may have a descriptive meaning. That circumstance does not, however, explain the Respondent's subsequent use of the disputed domain name for pay-per-click links specifically relating to greeting cards and closely related products, particularly given the Complainant's longstanding prior use of the identical disputed domain name in connection with precisely that field of business. The Panel considers significant the Complainant's prior ownership and use of the disputed domain name, its established trademark rights, and the subsequent use of the disputed domain name in connection with links relating to the very goods offered by the Complainant. The Respondent has provided no explanation for its acquisition of the disputed domain name or its subsequent use.

Although the Respondent's failure to submit a Response does not automatically establish bad faith, the Panel may draw appropriate inferences from that failure. See WIPO Overview 3.1, section 4.3. Taking the circumstances together, including the Complainant's longstanding prior ownership and use of the identical disputed domain name for its greeting-card business and the Respondent's subsequent use of the disputed domain name for pay-per-click links relating to the same or closely related goods, the Panel finds, on the balance of probabilities, that the Respondent acquired the disputed domain name with knowledge of the Complainant and its SAY IT IN A CARD mark, and with the intention of taking unfair advantage of the goodwill associated with that mark. The Respondent's subsequent use of the disputed domain name for links relating specifically to the Complainant's field of business supports that inference. See WIPO Overview 3.1, section 3.2.1.

The Panel finds the third element of the Policy has been established.

[2] https://web.archive.org/web/20260000000000*/https://www.sayitinacard.com/

**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 <sayitinacard.com> be transferred to the Complainant.

*/Evan D. Brown/*
**Evan D. Brown**
Sole Panelist
Date: November 10, 2026