

ADMINISTRATIVE PANEL DECISION

Dreams USA, Inc. v. Hippy Dog
Case No. DCO2025-0036

1. The Parties

The Complainant is Dreams USA, Inc., United States of America ("US"), represented by Hinckley, Allen & Snyder, LLP, US.

The Respondent is Hippy Dog, France.

2. The Domain Name and Registrar

The disputed domain name <hippers.co> is registered with OVH (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on March 28, 2025. On March 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 1, 2025, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 1, 2025, 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 April 2, 2025.

On April 1, 2025, the Center informed the parties in French and English that the language of the registration agreement for the disputed domain name was French. On April 2, 2025, the Complainant confirmed its request that English be the language of the proceedings. The Respondent did not submit any comment on the Complainant's submission.

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 in French and English, and the proceedings commenced on April 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 25, 2025.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on May 8, 2025. 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 the exclusive North and South American distributor of limited-edition art toys, giftware, and lifestyle accessories created by parent company Dreams Inc. (Japan). Its most popular items are lines of collectible figures called SONNY ANGEL dolls. The dolls' biggest sellers are "Hippers", dolls that you can attach to your phone or any object edge.

The Complainant owns the US verbal trademark HIPERS No. 7630393, that was registered on December 31, 2024 in class 28 (toys) with a priority date of October 18, 2023 and a first use in commerce on January 7, 2022.

On December 2, 2024, the Respondent registered the disputed domain name. The disputed domain name resolves to a website which sells SONNY ANGEL dolls and other toys under the HIPERS trademark and reproduces the trademark HIPERS in numerous places on the website itself.

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 trademark as it entirely incorporates the mark HIPERS and that the mere addition of the country-code Top-Level-Domain ("ccTLD") does not exclude the resulting confusing similarity.

The Complainant affirms that the Respondent has no rights or legitimate interests in the disputed domain name as it has never been authorized by the Complainant to use and exploit the trademark HIPERS and that he is not commonly known under that name. The Complainant finally states that the Respondent would in any case fail under the *Oki Data* test implemented in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), as he does not disclose his lack of relationship with the Complainant.

The Complainant finally is of the view that the Respondent registered and is using the disputed domain name in bad faith. The Respondent registered the disputed domain name on December 2, 2024, nearly three years after the Complainant's trademark was first used in commerce. For the Complainant, it is evident that the Respondent knew of the Complainant's trademark when registering the disputed domain name, because he promptly began using the disputed domain name to offer for sale purported HIPERS products that appear identical to the Complainant's authorized products. Such a use is made in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “[...] decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) The disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a 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.

Prior to turning to the merits of the case, the Panel has to address a formal issue regarding the language of the proceedings.

6.1. Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is French. 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 the language of the proceedings be English for several reasons, including the fact that the website linked to the disputed domain name is in English, that the Respondent chose to conceal his true identity by choosing two English words as first and last names, namely “hippy” and “dog”, and that requiring the Complainant, headquartered in the US, to translate the Complaint and related annexes would be disproportionate.

The Respondent did not comment on the Complainant’s request for the language of the proceedings to be English.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.5.1).

Having considered all the matters above and the fact that the Respondent did not oppose to the Complainant’s request although he was provided the opportunity to do so, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2. Substantive matters

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

As a result, 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 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 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 3.0](#), 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.

As a result, 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.

Bad faith requires the Respondent to be aware of the Complainant’s trademarks. In the present case, the disputed domain name entirely incorporates the Complainant’s trademark. The Respondent has further used the disputed domain name to resolve to a website reproducing the Complainant’s trademark on numerous accounts and selling products, namely inter alia SONNY ANGEL dolls, identical to the ones officially sold by the Complainant as exclusive distributor of such products in North and South America. As a result, there is little doubt in the Panel’s opinion that the Respondent was aware of the Complainant’s trademark when he registered the disputed domain name.

The use made of the disputed domain name (which is in itself identical to the Complainant’s trademark) as described above in the circumstances of this case amounts to a use in bad faith. Users may be led to believe that the website attached to the disputed domain name, which does not provide any address or contact details and notably target the US market by providing prices in US dollars, would be affiliated with the Complainant and, at a minimum, authorized by the latter to sell SONNY ANGEL dolls. Such is not the case. While UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, here, noting the lack of disclaimer on the website which the disputed domain name resolves to, and the composition of the disputed domain name, the disputed domain name cannot qualify as fair use. The Respondent’s bad faith is further reinforced by the fact that he chose to conceal his true identity by providing his first and last names as “hippy”, and “dog” in the registration details of the disputed domain name.

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 <hippers.co> be transferred to the Complainant

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: May 16, 2025