Decision for dispute CAC-UDRP-108516

Case number	CAC-UDRP-108516
Time of filing	2026-03-23 11:04:26
Domain names	bjornforbaby.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BabyBjörn AB

Complainant representative

Organization	SILKA AB

Respondent

Organization	John Jay

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of many trademarks for BABY BJÖRN, e.g. European Union trademark registration no. 000670018 BABY BJÖRN (word), registered on 16/02/1999 for goods in classes 8, 11, 18, 20, 21, 25, 28; Finnish national trademark registration No. 48403 for BABY BJÖRN, registered on August 20, 1966, for goods in classes 20 and 25.

FACTUAL BACKGROUND

It results from the Complainant's undisputed allegations that it is a Swedish family-owned company established in 1961, specialized in developing, marketing, stocking, and selling baby products for children aged 0–3 years. It currently operates in 55 markets worldwide, with the United States as its largest market, followed closely by Japan and South Korea.

The Complainant uses multiple domain names linked to the BABYB JÖRN mark such as < babybjorn.se > (registered in 1997), < babybjorn.com > (registered in 1997), < babybjorn.es > (registered in 2005) or <babybjorn.eu> (registered in 2006) for its official website.

The disputed domain name < bjornforbaby.com > was registered on 21.05.2025. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolves to a website displaying without authorization and prominently the Complainant's mark and logo and purportedly offering products under the Complainant's trademark.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

1. Pursuant to paragraph 4(a)(i) of the Policy, the complainant must establish rights in a trademark or service mark, and that the disputed domain name is identical or confusingly similar to a trademark in which the complainant has rights.

It results from the evidence provided, that the Complainant is the registered owner of BABY BJÖRN trademarks.

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. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name.

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety or where at least a dominant feature of the relevant mark is recognizable in the domain name (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.1") at section 1.7.

This Panel shares that view and notes that it applies here. In fact, the disputed domain name < bjornforbaby.com > reproduces almost the entirety of the Complainant's trademark, because it omits the umlaut in the vocal "O" of the term "BJÖRN". In addition, the two terms comprising the Complainant's trademark "BABY" "BJÖRN" are reproduced in reverse order in the disputed domain name. Moreover, the disputed domain name contains the term "for" placed between the two terms: i.e. "BJÖRN" "FOR" "BABY".

The Panel finds that the relevant trademark or at least the dominant feature of the relevant mark is any case recognizable within the disputed domain name and the addition of such term "for" 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.

Finally, the generic Top-Level Domain ("gTLD") ".com" of the disputed domain name is typically disregarded under the first element confusing similarity test (see WIPO Overview 3.1 at section 1.11.1).

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the

Complainant has rights.

2. Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must secondly establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests to the disputed domain name.

In the Panel's view, based on the undisputed allegations stated above, the Complainant has made a prima facie case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and did, in particular, not authorize the Respondent's use of the Complainant's trademark, e.g. by registering the disputed domain name, comprising said trademark almost entirely plus the preposition "for". Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, it results from the Complainant's non-contested evidence that the disputed domain name resolves to a website prominently using the Complainant's marks and logo on which the Complainant's goods are allegedly sold at heavily discounted prices (i.e. "Up to 80% Off & Free Shipping") and which did not accurately and prominently disclose the lack of the Respondent's relationship with the Complainant. Since this use is clearly commercial, it cannot be considered a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue pursuant to paragraph 4(c)(iii) of the Policy. Furthermore, such use cannot be qualified a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy and the Oki Data test (e.g. Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903) as it is misleading and diverting consumers, making them erroneously believe that the Respondent is an authorized dealer, retailer, or re-seller of Complainant's products, and is authorized to promote sales of Complainant's products. This is reinforced by the following facts: (1) the Respondent did not add any note, information or disclaimer pointing out that it actually has no relationship with the Complainant and (2) the website is accessible under a disputed domain name that comprises the Complainant's trademarks almost entirely which does not satisfy the requirements under the Oki Data test. See also WIPO Overview 3.1, section 2.8.1: "Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the "Oki Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark. The Oki Data test does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant's trademark".

It is acknowledged that once the Panel finds a prima facie case is made by a complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (see WIPO Overview 3.1 at section 2.1). Since the Respondent in the case at hand failed to come forward with any allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondents have no rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

3. According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, "in particular but without limitation", be evidence of the disputed domain name's registration and use in bad faith.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's documented allegations that the disputed domain name resolves to a website, allegedly selling the Complainant's products at discounted prices and reproducing prominently and without authorization the Complainant's trademark and logo. For the Panel, it is therefore evident that the Respondent knew the Complainant's mark and has used the disputed domain name for commercial gain which constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Finally, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith (see WIPO Overview 3.1 at section 3.2.1):

(i) the nature of the disputed domain name (i.e. almost entirely containing the Complainant's registered trademark - which has existed since many decades);

(ii) the content of the website to which the disputed domain name directs (i.e. displaying without authorization the Complainant's registered trademark and logo and allegedly selling the Complainant's goods at heavily discounted prices);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain name;

(iv) the respondent's concealing its identity through a privacy service.

(v) the Respondent's address does not exist, as provided by the Registrar in Registrar verification. In fact, the CAC was not able to send the written notice about the administrative proceeding to the Respondent.

The Panel finds that the Complainant has therefore satisfied paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **bjornforbaby.com**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2026-04-29

Publish the Decision