

ADMINISTRATIVE PANEL DECISION

Four Hands, LLC v. Zhixin Cao, CaoZhixin
Case No. D2024-0714

1. The Parties

The Complainant is Four Hands, LLC, United States of America (“United States”), represented by Richards Rodriguez & Skeith, LLP, United States.

The Respondent is Zhixin Cao, CaoZhixin, China.

2. The Domain Name and Registrar

The disputed domain name <furniturefourhands.com> is registered with CNOBIN Information Technology Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2024. On February 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 2024, 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 February 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2024.

The Center appointed Andrew F. Christie as the sole panelist in this matter on March 14, 2024. 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

For over 25 years, the Complainant has been a designer and wholesaler of furniture and décor. It launches more than 2,000 new products a year, has more than 40,000 trade customers across the industry, and currently has 6,000 styles available to shop online. The Complainant has been on Instagram since 2013 and has 158,000 followers. Its Instagram handle is “@fourhandsfurniture” and has been in use since November 2013. The Complainant’s Instagram page prominently features a square frame design.

The Complainant is the owner of United States Trademark Registration No. 4688546 for the word mark FOUR HANDS (first used in commerce June 1, 1998; registered February 17, 2015) and United States Trademark Registration No. 6244597 for a design mark consisting of a square frame device and FOUR HANDS.

The Complainant provided an undated screenshot showing the disputed domain name resolved to a website the home page of which prominently features in the center header FOUR HANDS and a square frame device that is very similar in appearance to the Complainant’s registered design mark. The site purports to sell furniture pieces using the same names, photographs, and copy as the Complainant uses for its furniture pieces. These pieces are said to be provided by a named Californian furniture store with which the Complainant is not connected.

In January 2024, after learning of the existence of the website resolving from the disputed domain name, the Complainant emailed an abuse report to the Registrar. Resolution of the disputed domain name was disabled on January 18, 2024. As of the date of this decision, the disputed domain name does not resolve to any location.

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.

The Complainant contends that the disputed domain name is confusingly similar to a trademark in which it has rights on the following grounds, among others. The disputed domain name incorporates the Complainant’s entire registered word mark FOUR HANDS. Although it also includes the word “furniture,” the disputed domain name as a whole is virtually identical and confusingly similar to the Complainant’s name and mark.

The Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name on the following grounds, among others. The Complainant did not and does not authorize the Respondent’s use of its marks. The Respondent is not an authorized reseller of the Complainant’s goods and does not have any express or implied license to use the FOUR HANDS word mark. Upon information and belief, the Respondent cannot demonstrate rights in the disputed domain name that are superior to the Complainant’s exclusive rights in the FOUR HANDS word mark, and the Respondent has not been commonly known by the disputed domain name. The website to which the disputed domain name resolved was not used for a bona fide offering of goods or services, because it provided no way to contact the seller and the provided address was fake, it asserted the goods were provided by a named Californian furniture store with which the Complainant is not connected, and the advertised sale prices were implausibly low.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith on the following grounds, among others. In addition to the matters asserted above, the website to which

the disputed domain resolved used the Complainant's product names, photographs, and copy for the goods purportedly offered for sale thereon. There was nothing bona fide about the website. The only explanation for the website is that it was intended to collect credit card data or identifying information from unsuspecting bargain hunters, for use in scamming or phishing schemes.

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 Selected UDRP Questions, Third Edition, (["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 Complainant's registered word trademark FOUR HANDS is reproduced within the disputed domain name. Although the addition of another term (here, "furniture") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. It also seems more likely than not that the Respondent registered and used the website for collecting consumers' credit card information. Panels have held that the use of a domain name for illegal activity (here, phishing) can never confer rights or legitimate

interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name nearly a decade after the Complainant first registered its FOUR HANDS word trademark, and that the disputed domain name incorporates the Complainant's trademark in its entirety and merely adds a term ("furniture") which is descriptive of the products in respect of which the Complaint uses its trademark. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant's trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity (here, phishing) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds 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 <furniturefourhands.com> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: March 29, 2024