

## **ADMINISTRATIVE PANEL DECISION**

**Skechers U.S.A., Inc. II v. Zhangming Li**  
**Case No. D2022-0257**

### **1. The Parties**

The Complainant is Skechers U.S.A., Inc. II, United States of America, represented by D Young & Co LLP, United Kingdom.

The Respondent is Zhangming Li, China.

### **2. The Domain Name and Registrar**

The disputed domain name <skechervipus.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 26, 2022. On January 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 27, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 28, 2022, 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 amended Complaint on January 31, 2022.

The Center verified that the Complaint together with the amended 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 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 25, 2022.

The Center appointed Jeremy Speres as the sole panelist in this matter on March 8, 2022. 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 member of the Skechers group of companies that has, since 1993, traded in lifestyle and performance footwear and apparel branded with its SKECHERS mark in more than 170 countries and online through its website “www.skechers.com”.

The Complainant owns trade mark registrations for its SKECHERS mark in many countries including, importantly for this matter, China (the Respondent’s location) under trade mark registration no. 13557925 for SKECHERS in class 25, which registered on February 14, 2015.

The Domain Name was registered on October 21, 2021 and resolves to a website offering SKECHERS footwear for sale, featuring the Complainant’s logos and photographs prominently. The Complainant adduced evidence of fraud, being a test purchase made at the website to which the Domain Name resolves showing that the Complainant’s credit card is debited but no stock is delivered.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is confusingly similar to its SKECHERS mark, that the Respondent has no rights or legitimate interests in it, and the Domain Name was registered and is being used in bad faith given that the Domain Name has been used to impersonate the Complainant for the purposes of fraud.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

Where a dominant feature of a mark is recognisable within the domain name, as in this case, the domain name will normally be considered confusingly similar to the mark (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) at section 1.7). The exclusion of the single letter “s” from the mark does not negate confusing similarity (*Kryterion International Limited v. ICS Inc.*, WIPO Case No. [D2017-1590](#)), nor does the addition of the term “vip” or the geographic term “us” ([WIPO Overview 3.0](#) at section 1.8). The Complainant has satisfied the standing requirement under paragraph 4(a)(i) of the Policy.

##### **B. Rights or Legitimate Interests**

The Complainant’s un rebutted evidence establishes that its SKECHERS mark was registered and well known long prior to registration of the Domain Name. The Domain Name is confusingly similar to the Complainant’s mark and the Complainant has certified that the Domain Name is unauthorised by it.

UDRP panels have categorically held that the use of a domain name for illegal activity (*e.g.*, impersonation or other types of fraud as in this case) can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#) at section 2.13). There is no evidence that any of the circumstances set out in paragraph 4(c) of the Policy pertain.

The Complainant has satisfied paragraph 4(a)(ii) of the Policy by virtue of having made out an unrebutted *prima facie* case ([WIPO Overview 3.0](#) at section 2.1).

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

The Domain Name is used to impersonate the Complainant; this much is clear from the liberal use of the Complainant's copyrighted logos and photographs on the Domain Name's website. The Complainant's test purchase evidence establishes the purpose of that impersonation – to defraud unsuspecting Internet users who make purchases on the website for goods they expect to emanate from the Complainant. The Panel has independently established that the website at the Domain Name has been reported as a fraudulent website on at least two scam reporting websites. It is well accepted that use of a domain name to perpetuate fraud constitutes bad faith use ([WIPO Overview 3.0](#) at section 3.4).

In accordance with the [WIPO Overview 3.0](#) at section 3.2.1, it is also reasonable to infer bad faith registration given the repute of the Complainant's mark, the proximity of the registration date of the Domain Name to the dates of the evidence showing fraudulent use, and the Respondent's failure to respond to the Complaint where an explanation is certainly called for ([WIPO Overview 3.0](#) at section 4.3).

The Panel has independently established that the Respondent has been the unsuccessful respondent in five other cases decided under the Policy, all of them involving the same respondent's name, country, and Registrar. The Respondent is a serial cybersquatter and this case is merely a continuation of that pattern.

The Complainant has satisfied paragraph 4(a)(iii) 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 Domain Name, <skechervipus.com>, be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: March 22, 2022