

ADMINISTRATIVE PANEL DECISION

JD Sports Fashion Plc v. Muhammad Arfan, Web Look
Case No. D2022-0750

1. The Parties

The Complainant is JD Sports Fashion Plc, United Kingdom (“UK”), represented by Murgitroyd & Company, United Kingdom.

The Respondent is Muhammad Arfan, Web Look, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <jdsportswear.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2022. On March 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2022, 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 March 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 29, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 30, 2022.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on April 1, 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 sports-fashion and outdoor brands retail company based in Greater Manchester, England. It was founded by John Wardell and David Makin in 1981 and originally traded as John David Sports, before becoming known as JD Sports and opening multiple stores across the UK. The Complainant has been listed on the London Stock Exchange since October 1996 and is a member of the FTSE 100 Index.

The Complainant is the owner of many trademark registrations around the world consisting of, or containing, the names JD SPORTS or JD, including:

European Trademark JD SPORTS (word) Registration No. 008182611 registered on December 13, 2011;
European Union Trademark JD (device) Registration No. 008182578 registered on December 13, 2011;
European Union Trademark JD (word) Registration No. 008182644 JD registered on December 13, 2011;
United Kingdom Trademark JD SPORTS (word) Registration No. UK00003157909 registered on July, 15, 2016;

United Kingdom Trademark JD (word) Registration No. UK00002393521 registered on November 11, 2005;
United Kingdom Trademark JD (word) Registration No. UK00002211242 registered on March 16, 2001; and
United Kingdom Trademark JD (device) Registration No. UK00002412351 registered on October 27, 2006.

In addition to its physical stores, the Complainant operates many e-commerce websites at “www.jdsports.co.uk”, “www.jd-sports.com.au”, “www.jdsports.at”, “www.jdsports.be”, “www.jdsports.com.sg”, “www.jdsports.de”, “www.jdsports.dk”, “www.jdsports.es”, “www.jdsports.fi”, “www.jdsports.fr”, “www.jdsports.ie”, “www.jdsports.it”, “www.jdsports.my”, “www.jdsports.nl”, “www.jdsports.pt”, “www.jdsports.se”, “www.jdsports.com” and “www.jdsports.co.th”.

The disputed domain name was registered on May 28, 2021.

The disputed domain name resolves to a website advertising and offering for sale sportswear, and the Complainant’s trademark is displayed on it. The “About Us” page of the website at the disputed domain name states (sic): “JD Sports is a company where You can Order Sports Products as sportswear, fitness wear, boxing wear, cycling wear, and fashion wear according to Your choice and Requirements. We are capable of Manufacture in any quantity with Reliable Prices and Higher qualities.... [omissis]”.

5. Parties’ Contentions

A. Complainant

The Complainant claims that:

- (a) the disputed domain name is confusingly similar to the Complainant’s trademark;
- (b) the Respondent lacks any rights or legitimate interests in the disputed domain name; and
- (c) the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

A. Identical or Confusingly Similar

The Complainant has established rights in the JD SPORTS and JD trademarks.

The disputed domain name consists of the JD SPORTS trademark combined with the term “wear”. This Panel agrees with the Complainant’s assertion that the addition of the term “wear” in the disputed domain name does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain name.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.” Furthermore, the applicable Top Level Domain (“TLD”) “.com” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to be commonly known by the name “jdsportswear” or by any similar name. The Respondent has no connection to or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademarks. The Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. In fact, it appears that the disputed domain name is used for a website advertising and offering for sale sportswear, and the Complainant’s trademark is displayed on it. Moreover, the Respondent has not replied to the Complainant’s contentions claiming any rights or legitimate interests in the disputed domain name.

The Panel finds, also noting the Panel’s further findings below, that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel, based on the evidence presented, accepts and agrees with the Complainant’s contentions that the disputed domain name was registered and is being used in bad faith.

The disputed domain name was registered many years after the Complainant’s renowned trademarks were registered. In addition, owing to the substantial presence established by the Complainant worldwide, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant’s trademarks when registering the disputed domain name that is confusingly similar to the Complainant’s trademark.

The Respondent’s knowledge of the JD SPORTS and JD marks is particularly obvious, given that the JD trademark is displayed on the website at the disputed domain name.

In addition, by displaying the Complainant's registered trademark on the Respondent's website, and by explicitly mentioning the Complainant's trade name in the description on the "About us" page, the Respondent misled consumers into believing that the Complainant or an affiliated dealer were the source of the website.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant's earlier rights to the JD trademark.

The bad faith registration and use of the disputed domain name is also affirmed by the fact that, in this proceeding, the Respondent has not denied any of the assertions of bad faith made by the Complainant.

Consequently, this Panel finds that the Respondent's use of the disputed domain name, *i.e.*, to resolve to a website where sportswear goods and the Complainant's JD mark are displayed, amounts to bad faith use.

Accordingly, the Panel finds, based on the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith. Therefore, 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 disputed domain name, <jdsportswear.com> be transferred to the Complainant.

/Fabrizio Bedarida/
Fabrizio Bedarida
Sole Panelist
Date: April 12, 2022