

ADMINISTRATIVE PANEL DECISION

CoryxKenshin LLC v. Domains By Proxy, LLC / Soufeel Jewelry Limited Case No. D2022-2792

1. The Parties

The Complainant is CoryxKenshin LLC, United States of America (“United States”), represented by Gaskey & Olds, P.C., United States.

The Respondent is Domains By Proxy, LLC, United States / Soufeel Jewelry Limited, China.

2. The Domain Name and Registrar

The Domain Name <coryxkenshin-merch.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 July 28, 2022. On July 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 29, 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 August 1, 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 amendment to the Complaint on August 6, 2022.

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, and the proceedings commenced on August 11, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 1, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on September 7, 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

Since 2009, the Complainant has owned a YouTube channel featuring videos by Cory Williams, better known as CoryxKenshin. As of July 2022, the YouTube channel had some 13.7 million subscribers. From 2016, the Complainant has operated an online store at “www.coryxkenshin.com” offering for sale a range of the Complainant’s products under the brand name and mark CORYXKENSIN.

The Complainant is the proprietor of United States trademark number 6,482,025 CORYXKENSIN registered on September 14, 2021.

The Domain Name was registered on March 26, 2022. It resolves to a website whose home page features a photograph of CoryxKenshin and which purports to offer for sale a wide range of CORYXKENSIN products. The <title> metatag of the home page includes the text “Official CoryxKenshin Merch Store”. The About Us page gives no indication of the identity of the operator of the website.

5. Parties’ Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its CORYXKENSIN mark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registration and as a result of the goodwill and reputation acquired through its use of the Mark over a number of years. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the Domain Name comprises the entirety of the Mark together with a hyphen and the term “merch”. The Panel does not consider that these additions prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for a website purporting to be the “Official CoryxKenshin Merch Store” and offering for sale a very wide range of what claim to be the Complainant’s products but which have not been licensed by the Complainant. In addition, the nature of the Domain Name carries a risk of implied affiliation with the Complainant’s Mark. There is no suggestion that the Respondent has ever been known by the Domain Name (section 2.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”)) and the Complainant has not authorised the Respondent to use the Mark. The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the nature of the Domain Name, comprising the entirety of the very distinctive Mark with the addition of “-merch”, and the use of the Domain Name by the Respondent for a website selling what purport to be the Complainant’s goods, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any response by the Respondent, the Panel has no reason to doubt that the Respondent has used its website to mislead Internet users into believing that the website at the Domain Name is operated by or authorised by the Complainant and offering products authorised by the Complainant. In the Panel’s view, the use of a domain name for such activity, clearly with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

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 <coryxkenshin-merch.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: September 21, 2022