

ADMINISTRATIVE PANEL DECISION

JConcepts, Inc v. Jun Luo
Case No. D2023-0547

1. The Parties

Complainant is JConcepts, Inc, United States of America (“United States”), represented by Upscale Law, LLC, United States.

Respondent is Jun Luo, China.

2. The Domain Name and Registrar

The disputed domain name <jconcepts-us.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed against two domain names with the WIPO Arbitration and Mediation Center (the “Center”) on February 6, 2023. On February 7, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with those domain names. On February 9, 2023, the Registrar transmitted by email to the Center its verification response disclosing multiple registrants and contact information for those domain names. The Center sent an email communication to Complainant on February 20, 2023, providing the registrants and contact information disclosed by the Registrar, and inviting Complainant to either amend the Complaint or submit a separate complaint. Complainant filed an amended Complaint against only the disputed domain name on February 27, 2023.

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 Respondent of the Complaint, and the proceedings commenced on February 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 20, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 21, 2023.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on March 29, 2023. 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

Complainant is a company organized under the laws of the United States that is active in the Radio Control ("R/C") industry.

Complainant has provided evidence that it is the registered owner of the following trademark relating to its company name and brand JCONCEPTS:

- Word Mark JCONCEPTS, United States Patent and Trademark Office (USPTO), registration number: 4,022,603, registration date: September 6, 2011, status: active.

Moreover, Complainant has evidenced to own the domain name <jconcepts.net> which resolves to Complainant's main website at "www.jconcepts.net", used to promote Complainant's products and related services in the R/C industry.

Respondent, according to the disclosed Whois information for the disputed domain name, is located in China and registered the disputed domain name August 26, 2022, which resolves to a website at "www.jconcepts-us.com", featuring Complainant's JCONCEPTS trademark and Complainant's official "JCONCEPTS.NET" logo and purporting to offer for sale R/C parts and accessories manufactured by Complainant.

Complainant requests that the disputed domain name be transferred to Complainant.

5. Parties' Contentions

A. Complainant

Complainant contends that it was founded in 2001 and has operated continuously since then under the JCONCEPTS company name and brand, manufacturing and selling quality bodies, tires, wheels and accessories to R/C racers around the world since at least 2003.

Complainant submits that the disputed domain name is confusingly similar to Complainant's JCONCEPTS trademark as they are identical in the substantive portion "jconcepts" and differ only in the added part "-us" in the disputed domain name. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) there is no relationship between Complainant and Respondent and Complainant has neither licensed nor otherwise authorized Respondent to use the JCONCEPTS trademark or to sell Complainant's R/C products, (2) Respondent's website features Complainant's official "JCONCEPTS.NET" logo, leading consumers to believe that they are purchasing R/C parts and accessories from Complainant which are presumably counterfeit or simply not existent, and (3) the address listed on the "Contact Us" page of Respondent's website under the disputed domain name apparently is not a valid address. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) Respondent is clearly aware of Complainant's rights in the JCONCEPTS trademark, not only because of the distinctiveness of Complainant's trademark, but because Respondent is using the same logo as Complainant uses on its own website, and (2) by using Complainant's official "JCONCEPTS.NET" logo, Respondent is trying to mislead consumers that they are purchasing legitimate R/C parts and accessories from Complainant which they do not, for the purpose of generating sales revenue.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) that Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

A. Identical or Confusingly Similar

The Panel concludes that the disputed domain name <jconcepts-us.com> is confusingly similar to the JCONCEPTS trademark in which Complainant has rights.

The disputed domain name incorporates the JCONCEPTS trademark in its entirety, simply added by a hyphen and the term "us". Numerous UDRP panels have recognized that where a domain name incorporates a trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that trademark (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7). Moreover, it has been held in many UDRP decisions and has become a consensus view among UDRP panelists (see [WIPO Overview 3.0](#), section 1.8), that the addition of other terms (whether e.g. geographic or otherwise) would not prevent the finding of confusing similarity under the first element of the UDRP. Accordingly, the addition of a hyphen and the term "us" (being e.g. the two-letter country code for the "United States", where Complainant is located) is not in contrast to find confusing similarity arising from the incorporation of Complainant's entire JCONCEPTS trademark in the disputed domain name.

Therefore, Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Panel is further convinced on the basis of Complainant's undisputed contentions that Respondent has not made use of the disputed domain name in connection with a *bona fide* offering of goods or services, nor has Respondent been commonly known by the disputed domain name, nor can it be found that Respondent has made a legitimate noncommercial or fair use thereof without intent for commercial gain.

Respondent apparently has neither been granted a license nor has it been otherwise authorized by Complainant to use the JCONCEPTS trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name and Respondent does not appear to have any trademark rights associated with the term "jconcepts" on its own. To the contrary, Respondent is running a website under the disputed domain name at "www.jconcepts-us.com", which has a similar look and feel as Complainant's official website and which prominently features

Complainant's JCONCEPTS trademark and Complainant's official "JCONCEPTS.NET" logo, thereby purporting to offer for sale R/C parts and accessories manufactured by Complainant without any authorization to do so. Such making use of the disputed domain name neither qualifies as *bona fide* nor as legitimate noncommercial or fair within the meaning of the Policy.

Accordingly, Complainant has established a *prima facie* case that Respondent has no rights or legitimate interests in respect of the disputed domain name. Now, the burden of production shifts to Respondent to come forward with appropriate allegations or evidence demonstrating such rights or legitimate interests (see [WIPO Overview 3.0](#), section 2.1). Given that Respondent has defaulted, it has not met that burden.

The Panel, therefore, finds that Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

C. Registered and Used in Bad Faith

The Panel finally holds that the disputed domain name was registered and is being used by Respondent in bad faith.

Given the nature of the disputed domain name (which incorporates Complainant's entire JCONCEPTS trademark) and the way in which the disputed domain name is used, there is no room for reasonable doubt that Respondent was well aware of Complainant's JCONCEPTS trademark rights when registering the disputed domain name and that the latter is directly targeting such trademark. Moreover, resolving the disputed domain name to a website under the disputed domain name at "www.jconcepts-us.com", which has a similar look and feel as Complainant's official website and which prominently features Complainant's JCONCEPTS trademark and Complainant's official "JCONCEPTS.NET" logo, thereby purporting to offer for sale R/C parts and accessories manufactured by Complainant without any authorization to do so, or disclaimer, is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusing with Complainant's JCONCEPTS trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false or incomplete contact information in the Whois register for the disputed domain name. According to the email correspondence between the Center and the postal courier DHL, the Written Notice on the Notification of Complaint dated February 28, 2023, sent to the Respondent's postal address as per the information provided by the Registrar, could not be delivered due to a bad address. This fact at least throws a light on Respondent's behavior which supports the Panel's bad faith finding.

Therefore, the Panel concludes that Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

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 <jconcepts-us.com> be transferred to Complainant.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: April 3, 2023