

## **ADMINISTRATIVE PANEL DECISION**

Cavender Stores, L.P. v. caokai  
Case No. D2023-5408

### **1. The Parties**

The Complainant is Cavender Stores, L.P., United States of America (“United States”), represented by Holland & Knight LLP, United States.

The Respondent is caokai, China.

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

The disputed domain name <stannness.com> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 29, 2023. On January 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 3, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registrant of stannness.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 5, 2024, 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 January 8, 2024.

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 January 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 5, 2024. The Respondent sent an email communication to the Center on January 6, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on February 12, 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**

The Complainant operates CAVENDER'S, a western apparel retailer founded in 1965, and presently headquartered in Tyler, Texas, United States. The Complainant's CAVENDER'S trademark is registered in the United States in various forms, including United States Trademark Registration No. 3209219 for CAVENDER'S (design mark) in class 35, having a registration date of February 13, 2007.

The disputed domain name was registered on November 16, 2023, and currently does not resolve to any website. The Complainant's evidence establishes that the disputed domain name previously resolved to a website ostensibly selling western apparel, featuring the Complainant's logo and banner advertising sourced from the Complainant's website.

#### **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. Notably, the Complainant contends that the Respondent sought to impersonate the Complainant and benefit financially by deceiving consumers into believing that the Respondent's website is associated with the Complainant, misleading consumers to purchase goods held out as being those of the Complainant that are never delivered.

##### **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. However, the Complainant has not attempted to show why it considers the disputed domain name identical or confusingly similar to its trademark. The CAVENDER'S mark is very different to the relevant part of the disputed domain name - "stannness" - and neither the mark nor any substantial part of it is recognizable within the disputed domain name.

The Panel finds the first element of the Policy has not been established, and there is thus no need to consider the second and third elements of the Policy.

**7. Decision**

For the foregoing reasons, the Complaint is denied.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: February 24, 2024