

## ADMINISTRATIVE PANEL DECISION

Petplan Ltd v. 兴兴高  
Case No. D2024-2506

### 1. The Parties

The Complainant is Petplan Ltd, United Kingdom, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 兴兴高, China.

### 2. The Domain Name and Registrar

The disputed domain name <joepetplan.com> is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 19, 2024. On June 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 21, 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 (Redacted For Privacy,) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 21, 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 amended Complaint on June 26, 2024.

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 July 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 25, 2024. The Respondent sent an email communication to the Center on July 5, 2024.

The Center appointed Jeremy Speres as the sole panelist in this matter on August 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, founded in 1976, offers pet insurance to individuals and pet care professionals in the United Kingdom and internationally under its PETPLAN mark. The Complainant's PETPLAN mark has been recognized as being well known in prior UDRP cases, e.g., *Pet Plan Ltd. v. Loren Nations, Veterinary Healthcare Associates*, WIPO Case No. [D2018-1039](#). The Complainant's primary website is hosted at its domain name <petplan.co.uk> which has been registered since August 1996.

The Complainant's PETPLAN mark is registered in numerous jurisdictions, including United Kingdom Trademark Registration No. UK00002052294 PETPLAN (stylised) in class 36.

The disputed domain name was registered on October 26, 2023, and currently resolves to a website containing advertisements for pet food and related items for sale, which, when clicked, redirect to listings for the advertised products on the online marketplace Amazon. The disputed domain name's website also contains news articles concerning current events in its "Pet Life" section.

#### **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 disputed domain name was registered and used in bad faith in order to attract users to the Respondent's website through confusion with the Complainant's mark for the Respondent's commercial gain.

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

The Respondent did not substantively reply to the Complainant's contentions. The Respondent's informal response stated:

"We complete the domain name registration and purchase through normal procedures. Our domain name should be subject to reasonable legal protection. Joepetplan is just a coincidence that it contains petplan, which has no connection at all. If there is no infringement, we will file a lawsuit with the local government."

#### **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. The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The entirety of the Complainant's PETPLAN mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "joe", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

For the reasons discussed in relation to bad faith below, it is likely that the Respondent registered the disputed domain name in order to take advantage of confusion with the Complainant's mark. The Respondent's registration and use of the disputed domain name in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests (*Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc.* / STANLEY PACE, WIPO Case No. [D2022-1981](#)).

The Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name in order to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(c)(iv) of the Policy.

UDRP panels have consistently found that registration of a domain name that is confusingly similar to a famous or well known trade mark (as in this case) by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#) at section 3.1.4.

The Panel has independently established that the disputed domain name's website's title tag is displayed as "Joepetplan – Joe Pet Plan – Your Comprehensive Guide to Pet Insurance" in search engine result snippets as well as on the website's tab in browsers. This shows an intention on the Respondent's part for the disputed domain name to be used in relation to pet insurance and shows a familiarity with the Complainant's industry. Given the Complainant's reputation in that industry, it is unlikely that the Respondent was not aware of the Complainant and the likelihood of confusion with it.

The inclusion of current events news reporting in the section of the disputed domain name's website entitled "Pet Life" is entirely incongruous with the general tenor of the rest of the website, the title of that section and the composition of the disputed domain name. Without any explanation from the Respondent, this calls the Respondent's intentions for the disputed domain name into question; a website operator genuinely intending to build a legitimate business at a particular website is unlikely to place such obviously discordant content on their website.

The Panel draws an adverse inference from the Respondent's failure to meaningfully take part in the present proceeding where an explanation is certainly called for. [WIPO Overview 3.0](#), section 4.3.

The Panel finds that the Complainant has established the third element 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 <joepetplan.com> be transferred to the Complainant.

*/Jeremy Speres/*

**Jeremy Speres**

Sole Panelist

Date: August 25, 2024