

ADMINISTRATIVE PANEL DECISION

JConcepts, Inc v. Chunyun Fu

Case No. D2024-4417

1. The Parties

The Complainant is JConcepts, Inc, United States of America (“United States”), represented by Danna McKittrick, PC, United States.

The Respondent is Chunyun Fu, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 28, 2024. On October 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 October 30, 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 November 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 November 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 4, 2024.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on December 11, 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 is an American company, designing and manufacturing radio control (“R/C”) products, including R/C bodies, tires, wheels, and accessories. The Complainant also sponsors a JConcepts Race Team to promote products manufactured by the Complainant.

The Complainant is the owner of a United States wordmark JCONCEPTS, No. 4022603, registered on September 6, 2011, for products in class 28 (hereafter the “JCONCEPTS Trademark”).

The Complainant has also registered in 2001 the domain name <jconcepts.net>. This domain name is used to sell the Complainant’s products and to display videos of the Complainant’s founders on various topics such as the recent developments in the R/C community.

The disputed domain name was registered on December 7, 2022, by an individual located in China. The disputed domain name resolves to a website purporting to offer for sale R/C parts and accessories manufactured by the Complainant and reproducing the Complainant’s logo.

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 is confusingly similar to its prior trademark because the substantive portion of the disputed domain name, specifically “jconcepts”, is identical to the JCONCEPTS Trademark. The Complainant adds that the addition of “rc” increases the likelihood of confusion because the Complainant manufactures and sells R/C parts.

Then, the Complainant submits that the Respondent has no rights or legitimate interest in respect of the disputed domain name. The Complainant underlines that the disputed domain name was registered long after the Complainant began operating and using JCONCEPTS Trademark in connection with sales of R/C parts and accessories. The Complainant adds that there is no relationship between the Respondent and the Complainant. The Respondent is neither licensed by the Complainant nor otherwise authorized to use the JCONCEPTS Trademark or to sell its R/C products. The Complainant considers that the Respondent uses the disputed domain name to intentionally mislead and divert customers by creating an impression of association with the Complainant and to offer for sale counterfeit of the Complainant’s products.

Finally, the Complainant asserts that the disputed domain name was registered and is being used in bad faith since the Respondent was clearly aware of the JCONCEPTS Trademark when registering the disputed domain name because the website to which the disputed domain name resolves, contains the same logo that the Complainant uses on its own website. The Complainant adds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the JCONCEPTS Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website.

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.

The entirety of the 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, "rc", an abbreviation of radio control, 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.

Indeed, it appears that the Respondent has not received any license or authorization to use the JCONCEPTS Trademark in any manner, and that the Respondent is not affiliated with nor authorized by the Complainant in any way. Moreover, the Panel finds that the Respondent is not commonly known by the disputed domain name and that nothing on the record indicates the Respondent intends to use the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the disputed domain name resolves to a website impersonating the Complainant's website. Such inherently misleading use does not represent a bona fide offering.

Panels have held that the use of a domain name for illegitimate activity, here, claimed sale of counterfeit goods and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the JCONCEPTS Trademark. Noting the reproduction of the Complainant's logo and domain name, and the offer for sale of purportedly counterfeit products, the Panel considers that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, here, claimed sale of counterfeit goods and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <rcjconcepts.com> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: December 23, 2024