

ADMINISTRATIVE PANEL DECISION

Western Digital Technologies, Inc. v. li wentao, lizeping
Case No. D2024-5286

1. The Parties

The Complainant is Western Digital Technologies, Inc., United States of America, represented by Ploum, Netherlands (Kingdom of the).

The Respondent is li wentao, lizeping, United Kingdom.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 23, 2024. On December 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 25, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 26, 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 December 31, 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 5, 2025.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on February 7, 2025. 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 affiliate of Western Digital Corporation (“Western Digital”), which was founded in 1970 and is headquartered in San Jose, California. Western Digital develops, manufactures, markets and sells hard disk drives and data storage products. In 2023, Western Digital had more than 53,000 employees and achieved a revenue of more than USD 12.3 billion.

The Complainant owns inter alia the European Union trademark registration WD BLACK (No. 011350154; registered on March 27, 2013).

The disputed domain name was registered on December 6, 2024. As of the time of filing the Complaint, the website associated with the disputed domain name has been purportedly offering the Complainant’s products under the Complainant’s WD BLACK trademark.

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.

B. Respondent

The Respondent has not submitted any substantive reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

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 Complainant’s trademark WD BLACK is fully reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that 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 that 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. The Panel notes that the website prominently displays the WD BLACK trademark, the "about us" section of the website at the disputed domain name reproduces "WD BLACK" followed by the text "WD Black is a premium line of high-performance storage solutions from Wester Digital", and that the bottom of the website states "Copyright © 2024 Wd Black. All Rights Reserved". The Panel finds that the composition of the disputed domain name incorporating the Complainant's trademark, coupled with the use of the disputed domain name to resolve to a website in which the Respondent attempts to pass itself off as the Complainant, does not amount to a bona fide offering of goods or services.

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

C. Registered and Used in Bad Faith

Under the circumstances of this case, including the composition and use of the disputed domain name fully incorporating the Complainant's WD BLACK trademark, it can be inferred that the Respondent was aware of the Complainant's trademark when registering the disputed domain name.

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, 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.

Having reviewed the available record, and noting the composition of the disputed domain name, under the circumstances of this case, the Panel finds that the use of the disputed domain name to purportedly sell the Complainant's products through a web store prominently displaying the Complainant's trademark in the indicated manner supports a finding of 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 <wdblack.org> be transferred to the Complainant.

/Tobias Zuberbühler/

Tobias Zuberbühler

Sole Panelist

Date: February 18, 2025