

## **ADMINISTRATIVE PANEL DECISION**

Marucci Sports, LLC v. BergeronRichard  
Case No. D2025-0103

### **1. The Parties**

The Complainant is Marucci Sports, LLC, United States of America (“United States”), represented by Jones Walker LLP, United States.

The Respondent is BergeronRichard, United States.

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

The disputed domain name <marucci.shop> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2025. On January 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 2025, 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 (Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on January 15, 2025, 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 20, 2025.

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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 19, 2025.

The Center appointed Martin Schwimmer as the sole panelist in this matter on February 21, 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 a manufacturer and developer of baseball bats, baseball gloves, and other baseball equipment and baseball-related accessories. For the last 22 years, baseball equipment bearing the MARUCCI trademark has been distributed throughout the United States, as well as in jurisdictions worldwide.

The Complainant is the owner of the following trademark registrations through the United States Patent and Trademark Office (“USPTO”): MARUCCI, United States Registration No. 3,957,838, registered on May 10, 2011, with a date of first use in commerce of September 28, 2001, in International Class 28; and MARUCCI, United States Registration No. 5,155,640, registered on March 27, 2017, with a first use in commerce of June 11, 2002, in International Class 28 (hereinafter collectively referred to as the “MARUCCI Mark”).

The Complainant owns the domain name <maruccisports.com>, which resolves to its official website at “www.maruccisports.com”.

The disputed domain name was registered on August 9, 2024. It does not resolve to any inactive 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 disputed domain name is identical to the Complainant’s MARUCCI Mark because the disputed domain name contains the MARUCCI Mark in its entirety, followed by the generic Top-Level Domain (“gTLD”) “.shop”, which does not prevent a finding of confusing similarity;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name because, among other things, the Complainant has not authorized the Respondent to register a domain name containing the MARUCCI Mark, and the Respondent has never been commonly known by the disputed domain name; and
- the disputed domain name was intended to advertise the sale of baseball equipment using the goodwill associated with the Complainant’s registered Marks, and the disputed domain name was registered and is being used in bad faith.

##### **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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 defaulted and 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 finds the second element of the Policy has been established.

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

The Panel finds that the Complainant's trademark is a strong and distinctive mark. This is supported by a review of the Complainant's website, as well as by publicly available sources such as the Complainant's information on the Internet. Furthermore, the Panel draws negative inferences from the Respondent's default.

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 found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed

domain name does not prevent a finding of bad faith under the Policy. Therefore, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <marucci.shop> be transferred to the Complainant.

*/Martin Schwimmer/*

**Martin Schwimmer**

Sole Panelist

Date: March 13, 2025