

## **ADMINISTRATIVE PANEL DECISION**

Champion Petfoods USA Inc. v. sun chun, Champion Pet Food USA Inc  
Case No. D2025-0164

### **1. The Parties**

The Complainant is Champion Petfoods USA Inc., Canada, represented by 101domain.com, United States of America (“United States”).

The Respondent is sun chun, Champion Pet Food USA Inc, Canada.

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

The disputed domain name <champion-petfoods.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2025. On January 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 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 (Information not available on WHOIS / Redacted for Privacy, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 17, 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 amended Complaint on January 21, 2025.

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 January 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2025.

The Center appointed Aaron Newell as the sole panelist in this matter on February 24, 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 Canadian pet food manufacturer founded in 1985. Since this time, it has used the trademark CHAMPION PETFOODS as its house brand. At the time of the Complaint the Complainant enjoyed sales of its products in over 90 countries and marketed itself as a premium, nutrition-focused pet food brand.

The Complainant owns a number of registered trademark rights for its CHAMPION PETFOODS trademark in various countries around the world. These rights include United States Trademark Registration No. 4086296 CHAMPION PETFOODS (word mark) in class 31 covering “pet food” and registered on January 17, 2012, alleging first use in the United States from December 31, 1980.

The Complainant alleges that it has no relationship with the Respondent despite the Respondent’s asserted company name Champion Pet Food USA Inc (in Canada) being nearly identical to that of the Complainant.

The disputed domain name was registered on November 26, 2024. Prior to the filing of the Complaint the disputed domain name loaded a website that was nearly identical in its content and design to the Complainant’s primary website at “www.championpetfoods.com”, including by way of its use of images, logos, trademarks and products featured on the Complainant’s primary website. On December 9, 2024, the Complainant filed a takedown notice seeking the deactivation of this website and the suspension of the disputed domain name. At the time of the Complaint the disputed domain name loaded a website indicating that the disputed domain name had been suspended by the Registrar pending resolution of queries relating to the Respondent’s email address and other identification information.

The Respondent did not respond to the Complaint or otherwise engage in the proceedings. There is also no evidence of the Respondent having engaged directly with the Complainant.

#### **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:

- (i) the disputed domain name is confusingly similar to the Complainant’s CHAMPION PETFOODS trademark because the Complainant’s entire CHAMPION PETFOODS trademark is used in the disputed domain name;
- (ii) the Respondent has no rights or legitimate interests in the disputed domain name because it is not licensed or otherwise authorized by the Complainant to use the Complainant’s CHAMPION PETFOODS trademark, the Respondent does not itself have trademark rights in the name CHAMPION PETFOODS, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name given its use to divert potential customers away from the Complainant, and there is no evidence of the Respondent’s bona fide use or demonstrable preparations to use the disputed domain name in connection with a legitimate offering of goods or services, as the disputed domain name was used solely to confuse Internet users by imitating the Complainant;

(iii) the disputed domain name was registered and is being used in bad faith, as the Respondent was aware of the Complainant and its CHAMPION PETFOODS trademark at the time of registration of the disputed domain name, the Respondent used the disputed domain name to load a website that imitated the Complainant's website including by use of the Complainant's logo and images of its petfood products, the Respondent's use and registration of the disputed domain name is intended to prevent the Complainant from reflecting its CHAMPION PETFOODS trademark in the disputed domain name, the Respondent has used the disputed domain name to mislead and confuse Internet users as to the source of the Respondent's website and as to a commercial relationship between the Respondent and the Complainant when none exists, shortly after registering the disputed domain name the Respondent created mail exchange ("MX") and sender policy framework ("SPF") records enabling it to use the email address "[...][@champion-petfoods.com](mailto:[...]@champion-petfoods.com)", and the Respondent featured the activated "[...][@champion-petfoods.com](mailto:[...]@champion-petfoods.com)" email address on the website for the disputed domain name alongside the physical address and other corporate particulars of the Complainant.

## **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default does not automatically result in a decision in favour of the Complainant; however paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

### **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. The only difference between the disputed domain name and the Complainant's registered trademark rights is the hyphenation of the term "champion petfoods" in the disputed domain name. This is inconsequential for the purposes of the Policy as the mark is obviously recognizable 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.

## **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.

Further, panels have held that the use of a domain name for illegitimate activity (here, claimed by the Complainant to be the impersonation of the Complainant including the use of its corporate address and the name of one of its employees on the website, and imitation of its website, conduct which appears to be evident from the record and is not denied or justified by the Respondent) 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.

These include circumstances set out at paragraph 4(b)(iv) of the Policy whereby

(iv) by using the domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [its] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [its] web site or location or of a product or service on [its] web site or location.

In the present case, the Panel notes that without the Complainant’s authorization the Respondent has registered a domain name that wholly contains the Complainant’s registered trademark and has used this disputed domain name to load a website that imitates the Complainant’s website and falsely purports to offer, promote and possibly sell the Complainant’s products. The Respondent also appears to have activated an email address at the disputed domain name, and to have misrepresented that its corporate name is the same as the Complainant’s corporate name, and that it shares the same address as the Complainant.

In the Panel’s view the record shows that the Respondent has clearly targeted the Complainant and its CHAMPION PETFOODS trademark in an effort to impersonate the Complainant and/or pass off its activities as being those of the Complainant. It has most likely done so for the purposes of commercial gain, and to the detriment of the Complainant. This conduct is clearly described by paragraph 4(b)(iv) of the Policy. Panels frequently find that the use of a domain name for illegitimate activity such as impersonation and 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 the third element of the Policy has been established.

## **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 <champion-petfoods.com> be transferred to the Complainant.

*/Aaron Newell/*

**Aaron Newell**

Sole Panelist

Date: March 10, 2025