

ADMINISTRATIVE PANEL DECISION

Laurmark Enterprises, Inc. dba Bak Industries v. Asjad Aamir Asjad Aamir,
AutoCornerd

Case No. D2025-0544

1. The Parties

The Complainant is Laurmark Enterprises, Inc. dba Bak Industries, United States of America (“United States” or “US”), represented by Dobrusin Law Firm, PC, United States.

The Respondent is Asjad Aamir Asjad Aamir, AutoCornerd, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <thebakindustries.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2025. On February 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 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 (To be determined / Whois Privacy, Privacy by Design LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 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 February 14, 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 February 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 10, 2025. The Respondent sent email communications to the Center on February 13, February 18, February 21, February 24, February 28, 2025, April 3 and 10, 2025, and May 5 and 6, 2025. On April 9, 2025, the Complainant requested the proceedings be suspended

and the Center suspended the proceedings until March 11, 2025. On May 2, 2025, the Complainant requested the reinstatement of the proceedings. On May 5, 2025, the Center notified the Parties of the reinstatement of the proceedings.

The Center appointed Zoltán Takács as the sole panelist in this matter on May 6, 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

Founded in 1998 and organized under the laws of Texas, United States, the Complainant is one of the leading manufacturers of certain aftermarket accessories for pick-up trucks, other trucks and vehicles.

The Complainant is a subsidiary of RealTruck, LLC which employs over 5,000 associates and operates from dozens of facilities across North America, Europe, Asia and Australia.

The Complainant is owner of the US Trademark Registrations Nos. 5104393 BAK and 5113615 BAK INDUSTRIES, registered since December 20, 2016 and January 3, 2017 respectively, for a variety of accessories for cars and trucks.

The disputed domain name was registered on September 20, 2024 and is currently inactive.

However, the disputed domain name used to resolve to a website that claimed to be the “Bak Industries- Official Tonneau Covers Website” and was prominently referencing the Complainant, displaying its marks and products photos and included links to the Amazon platform. The website featured a copyright notice reading “©2024 Bak Industries”. It also included the following notice: “thebakindustries.com is a participant in the Amazon Services LLC Associates Program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.com.”

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 which incorporates its BAK and BAK INDUSTRIES mark is confusingly similar to them;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name and is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii) or (iii) or the Policy; and
- the Respondent has registered the disputed domain name with its business and marks in mind and used it to divert consumers to its website in an attempt to trade off of the goodwill associated with the Complainant’s marks.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

However, as mentioned above, the Respondent sent numerous email communications to the Center, mostly inquiring about the case (e.g., email communication of February 21 and February 24, 2025), but also disclaiming any bad faith (email communication of February 13, 2025). Despite its alleged intent to transfer the disputed domain name (email communications of February 18, 2025 and April 3, 2025) the Respondent did not execute the standard settlement form required for implementing a transfer.

6. Discussion and Findings

In order to succeed on a complaint, a complainant must evidence each of the three elements required by paragraph 4(a) of the Policy, namely that:

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

6.1. Preliminary Matter – Consent to Transfer

As mentioned above, the Respondent seemingly intended to transfer the disputed domain name, yet did not execute the standard settlement form required for implementing a transfer.

Section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") sets out the views of how UDRP panels handle cases involving a respondent's informal or unilateral consent for the transfer of the domain name to the complainant outside the "standard settlement process" described in section 4.9 of the [WIPO Overview 3.0](#).

In this context, that Panel notes that the Respondent initially disclaimed any bad faith in registering the disputed domain name. In addition, in view of the Panel there is ambiguity as to the scope of the Respondent's consent. In the email communication of February 28, 2025, the Respondent wrote: "I am asking what penalties the complainant can proceed with if I do not agree on transferring the domain?", while the email communication of April 9, 2025 reads: "Hi, can you guys please tell what will be the steps after panel appointment? And can thr settlement be made if I suspend the domain instead of transfer to complainant?".

The Panel finds that the circumstances which previous panels found appropriate to order the requested remedy solely on the basis of the respondent's consent are not present in these proceedings and will therefore proceed to a substantive decision on the merits.

6.2. Substantive Matters

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 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 BAK INDUSTRIES trademark is reproduced and is 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.

The Panel finds that the addition of the term “the” 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 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 the 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.

The Complainant has submitted sufficient and uncontested evidence that it holds well-established prior rights in the BAK and BAK INDUSTRIES trademarks.

The Complainant has never authorized the Respondent to use its trademarks, in a domain name, or otherwise.

The evidence submitted by the Complainant shows that the Respondent has used the disputed domain name to confuse Internet users presumably looking for the Complainant by directing them to its own website that claimed to be the “Bak Industries-Official Tonneau Covers Website”. The website extensively referenced the Complainant, its marks and copyrighted product images.

These facts, and in particular the false copyright notice reading “©2024 Bak Industries” on the website previously connected to the disputed domain name makes it clear that the Respondent intent was to impersonate the Complainant and to unduly profit from the goodwill attached to the Complainant’s trademarks, including through participation in the Amazon affiliate advertising programme. Panels have held that the use of a domain name for illegal activity, here impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that 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, circumstances 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 given the composition of the disputed domain name, which is nearly identical to the Complainant's BAK INDUSTRIES trademark and the use of the disputed domain name as mentioned above, it is unconceivable that the Respondent was unaware of the Complainant and its trademarks when it registered the disputed domain name.

The evidence submitted by the Complainant convinces the Panel that the Respondent's intent behind registering and using the disputed domain name was to target the Complainant and its trademarks by deceiving Internet users expecting the disputed domain name to resolve to a website owned, operated or authorized by the Complainant.

For these reasons the Panel finds that the Respondent's registration and use of the disputed domain name to direct Internet traffic intended for the Complainant to its website in order to gain illegitimate profit through impersonation or false association and inclusion of Amazon affiliate links constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The disputed domain name is currently inactive. However, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

In this context the Panel notes the degree of distinctiveness of the Complainant's trademarks and the composition and previous use of the disputed domain name and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent 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 <thebakindustries.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: May 16, 2025