

## **ADMINISTRATIVE PANEL DECISION**

### Hill's Pet Nutrition, Inc. v. Lu Wanglong

### Case No. D2025-1766

#### **1. The Parties**

The Complainant is Hill's Pet Nutrition, Inc., United States of America ("US"), represented by Fross Zelnick Lehrman & Zissu, PC, US.

The Respondent is Lu Wanglong, China.

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

The disputed domain name <petfoodhills.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 May 1, 2025. On May 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 5, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on May 6, 2025, providing the registrant and contact information disclosed by the Registrar, and informing the Complainant that the Center will proceed with the formal commencement of the administrative proceeding by May 8, 2025.

The Center verified that 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 30, 2025.

The Center appointed Christian Pirker as the sole panelist in this matter on June 11, 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, Hill's Pet Nutrition, Inc, is a pet food US corporation, founded in the late 1930's. Their line of products includes more than 50 pet food formulated for many life stages and special needs in healthy pets. The company was purchased by the Colgate-Palmolive Company in 1976, which still holds the Complainant.

The Complainant and its parent company own numerous registered marks for HILL'S including:

- US Registration No. 1417169 for HILL'S, in international class 5 registered on November 18, 1986.
- Swiss trademark registration for HILL'S, No. 2P-328214, registered on February 13, 1984, in classes 5 & 31.
- French trademark registration for HILL'S, No. 1742006, registered on September 21, 1989, in classes 5 & 31.
- New Zealand trademark registration for HILL'S, No. 1213620, registered on January 5, 2023, in classes 5 & 31.

The Respondent is reportedly located in China.

The disputed domain name was registered on April 2, 2025, and is used by the Respondent in connection with a website, that purports to offer products alleged to be the Complainant's HILL'S pet food products. The Respondent website on the "contact us" page mentioned an email address "[...].@hillssciencepetfood.com" which does not exist, and the domain name associated with the email address is currently not owned and free to purchase.

#### **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 alleges the use and registration of the HILL'S trademarks and trade names around the world for decades has led to the HILL'S marks being well-know and famous and being exclusively associated with the Complainant.

The Complainant alleges to own and operate the domain names and associated websites "www.hillspet.com" (created on April 1995) and "www.hillspet.fr" (created on August 2004) on its own or through affiliated companies.

The Complainant alleges that the Respondent uses the disputed domain name in connection with a copycat website, that purports to offer the Complainant's HILL'S pet food products, stealing Complainant's images to do so, including statements, that falsely imply that it is an official website owned, operated or affiliated with the Complainant. It considers that the disputed domain name and the associated website is tarnishing its reputation and its goodwill of Complainant and its HILL'S trademark.

The Complainant alleges that Respondent has no rights or legitimate interests, that it has no relationship with the Respondent, and that the Respondent has never been authorized to sell HILL'S products or that would give rise to any license, permission or authorization by which the Respondent could own or use the domain name or operate a website that mimics Complainant's own website. Furthermore, the Respondent has never been authorized to use the Complainant's HILL'S mark for any purpose. The Complainant finally alleges that Respondent is not commonly known by the disputed domain name.

The Complainant considers the disputed domain name to be confusingly similar to its trademarks for which it claims to have rights. The Complainant further alleges that the Respondent is not making a fair use of the disputed domain name nor a bona fide offering of goods, and that the Respondent has no connection nor relationship with the Complainant. Finally, the Complainant alleges that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant requests the transfer of the disputed domain name.

## **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.

Further, although the addition of other terms, here "pet" and "food" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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](#), sections 1.7 and 1.8.

Finally, it is standard practice to disregard the Top-Level Domain ("TLD") suffix under the confusing similarity test, except where the applicable TLD suffix may itself form part of the relevant trademark, which is not the case in the present matter. [WIPO Overview 3.0](#), section 1.11.

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.

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.

Accordingly, the Panel finds the second element of the Policy has been established.

By overabundance of means, the Panel considers that the absence of any response, incomplete or false contact details in the available Whois data making it impossible to reach the Respondent by postal mail, the use of the Complainant's trademark in the Respondent's website with texts and photographs of the Complainant's products, including the Complainant's logo, as well as the general impression of similarity with the Complainant's site, including by indicating an inactive contact email comforting the user in his error, cannot support a bona fide offer or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Therefore, it is Panel's view that Respondent's website falsely gives the impression of the Complainant's sponsorship or endorsement and that accordingly the website and the use of the Complainant's mark in the disputed domain name is intended to attract the Complainant's customers into believing falsely that they are purchasing from the Complainant. All this demonstrates lack of right or legitimate interests (among other see *Rakuten Kobo Inc. v. World Public Library*, WIPO Case No. [D2016-1708](#), and *BSH Home Appliances Corporation v. Michael Stanley / Michael Sipo*, WIPO Case No. [D2014-1433](#)). Further, panels have held that the use of a domain name for activity such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

As mentioned above, 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.

It is a well-established principle that registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark by any entity that does not have a relationship with that trademark, or its owner can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#) section 3.1.4).

In the present case, the Panel notes that the Respondent registered the disputed domain name, including the terms "pet" and "food" which describe the Complainant's products, and is using the Complainant's trademark and pictures of the Complainant's products to (allegedly) sell them on his site.

Accordingly, such evidence proves that it is unlikely that the Respondent was not aware of the Complainant's trademark, and most likely knew that it had no rights or legitimate interests in the disputed domain name, when registering the disputed domain name.

In the present case, the Panel finds that the disputed domain name was registered and is being used in bad faith. It is the Panel's view that the Respondent clearly set out to target the Complainant and to deceive users into believing that (due to the general impression of similarity with the Complainant's site) its website associated with the disputed domain name was in fact the website of the Complainant. The Respondent's website is designed in such a way to mimic the Complainant so that it creates the false impression of an official website owned, operated or affiliated with the Complainant, notably by the replication of the Complainant's product images, logo and statement (see e.g. *Magna International Inc. v. Stefan Polisky*, WIPO Case No. [D2021-0875](#)). Previous panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

In view of the above-mentioned facts, the Panel considers that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark with the intent to unlawfully profit therefrom (see *Arla Foods Amba v. Michael Guthrie, M. Guthrie Building Solutions*, WIPO Case No. [D2016-2213](#)).

Moreover, the failure of any response, the use of incomplete or false contact details making it impossible to reach the Respondent by postal mail, the use of the Complainant's trademark in the Respondent's website with texts and photographs of the Complainant's products, including the Complainant's logo, as well as the general impression of similarity of the Complainant's site, including by indicating an inactive contact email comforting the user in his error supports also the finding of bad faith. [WIPO Overview 3.0](#), section 3.1.2.

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 <petfoodhills.shop> be transferred to the Complainant.

*/Christian Pirker/*

**Christian Pirker**

Sole Panelist

Date: June 26, 2025