

ADMINISTRATIVE PANEL DECISION

Lund, Inc. v. Vladimir Veselovskiy
Case No. D2025-5262

1. The Parties

The Complainant is Lund, Inc., United States of America (“United States” or “US”), represented by MacMillan, Sobanski & Todd, LLC, United States.

The Respondent is Vladimir Veselovskiy, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <theautoventshade.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 December 17, 2025. On December 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 Complainant filed an amended Complaint on December 18, 2025, adding additional annex.

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 December 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 13, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on January 22, 2026. 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 operates in the automotive accessories sector. It is the registered owner of US trademark registration No. 3,177,659 for AUTO VENTSHADE registered on November 28, 2006 for goods in class 12 (claiming of first use in the US as of January 1, 1940).

The disputed domain name was registered on June 4, 2024. Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolves to a website advertising the Complainant's products, prominently using the Complainant's registered trademark and holding itself out as the Complainant stating that "We're Auto Ventshade, Bug Deflectors and Rain Guards Manufacturer. We've been innovating automotive accessories that enhance style, protection, and comfort for vehicles since our founding in 1935 [...]".

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

- (1) The disputed domain name is materially identical to the Complainant's registered trademark. The Respondent's addition of the word "the" and the generic Top-Level Domain ".com" is insufficient to differentiate the subject domain name from the Complainant's registered trademark;
- (2) The Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is using the disputed domain name in an unauthorized and illegitimate manner, for commercial gain, to trade on the Complainant's goodwill in the trademark and to drive traffic to the Respondent's website. The Respondent is not a licensee of the Complainant, nor is the Respondent authorized in any way to use the Complainant's trademark. The Respondent is not an authorized distributor, reseller, or service provider of the Complainant. A reseller or distributor can be making a bona fide offering of goods or services and thus have a legitimate interest in the domain name only if certain requirements are met, citing *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The Respondent has failed to meet the fair use requirements with respect to the disputed domain name. First, the Respondent is not offering the goods for sale at the website located at the disputed domain name; the Respondent has failed to indicate any relationship or lack thereof with the Complainant – the legitimate owner of the trademark – and has instead illegitimately and deceptively held himself out as the owner of the trademark and the manufacturer of the Complainant's products. Finally, the Respondent is not commonly known by the domain name, and upon information and belief, no business or other organization that may be associated with the Respondent have been commonly known by the disputed domain name;
- (3) The disputed domain name was registered and is being used in bad faith. According to the Complainant, by using the disputed domain name, as described, the Respondent is intentionally attempting to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, and/or endorsement of the Respondent's website. The disputed domain name consists of the word "the" together with the Complainant's trademark. It is easily conceivable that consumers are likely to type in this formulation when seeking to locate the Complainant's website. The Respondent's choice of this formulation is a deliberate attempt to divert Internet traffic from the Complainant's website and to attract such users, for commercial gain, to the Respondent's own website. The Respondent registered the disputed domain name nearly a century after the Complainant or its applicable predecessor-in-interest registered and began use and promotion of the trademark. The Respondent was aware of the Complainant's trademark, which was already well known at the time the Respondent registered the disputed domain name. The Respondent engages in a pattern of such conduct,

as evidenced by the previous UDRP decisions in which he has been named as respondent. This also constitutes evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Matters – Further Procedural Considerations

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and that the administrative proceeding takes place with due expedition. Since the Respondent's mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that they should. The Panel notes the Notification of the Complaint was successfully sent to the email address disclosed for the Respondent by the Registrar in its Registrar Verification Response related to the disputed domain name. There is no indication that the email notification has not been successfully delivered.

Finally, the Panel notes that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith. The Panel therefore concludes that the Respondent has been given a fair opportunity to present its case, and so that the administrative proceedings take place with due expedition the Panel will proceed to a Decision accordingly.

6.2 Substantive Matters

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that the disputed domain name be transferred or cancelled:

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

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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.

Although the addition of other terms here, “the”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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 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.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondent and, in particular, did not authorize the Respondent’s use of the trademark AUTO VENTSHADE, such as by registering the disputed domain name comprising the said trademark entirely. Furthermore, the Panel notes that there is no evidence showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Finally, it results from the Complainant’s non-contested evidence that the disputed domain name resolves to a website prominently using the Complainant’s mark and advertising the Complainant’s goods. The website does not accurately and prominently disclose the lack of the Respondent’s relationship with the Complainant; on the contrary holding itself out as the Complainant. Such use cannot be qualified a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy and the Oki Data test (*Oki Data Americas, Inc. v. ASD, Inc.*, cited supra). In fact, it is misleading and diverting consumers, making them erroneously believe that the website is operated by the Complainant or the Respondent is an authorized dealer, retailer, or reseller of the Complainant’s products.

The Respondent did not add any note, information or disclaimer pointing out that it actually has no relationship with the Complainant, instead holding itself out as the Complainant, which does not satisfy the requirements under the Oki Data test, see also [WIPO Overview 3.0](#), section 2.8.1: “Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant’s trademark to undertake sales or repairs related to the complainant’s goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name.” The Panel recalls that the ‘Oki Data test’ applies the following cumulative requirements in the specific conditions of a UDRP case: (i) the respondent must actually be offering the goods or services at issue; (ii) the respondent must

use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark. In this case it is unclear whether the website actually sells the Complainant's products (it does advertise them and contain links to "Check Prices"). As regards the composition of the disputed domain name, it comprises the Complainant's trademark AUTO VENTSHADE entirely, and coupled with the use of the disputed domain name to resolve to a website in which the Respondent tries to impersonate the Complainant, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant.

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or online location or of a product or service on its website or online location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant's evidence that the disputed domain name resolves to a website advertising the Complainant's products, prominently using the Complainant's registered trademark and holding itself out as the Complainant. For the Panel, it is therefore evident that the Respondent knew the Complainant's mark. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name incorporated the Complainant's trademark when it registered the disputed domain name.

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.

In this regard, the following circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (1) the nature of the disputed domain name (incorporating the Complainant's mark entirely plus the addition of the prefix "the");
- (2) the content of the website to which the disputed domain name resolves, advertising the Complainant's products, prominently using the Complainant's registered trademark and holding itself out as the Complainant;
- (3) a clear absence of rights or legitimate interests coupled with no response regarding the Respondent's choice of the disputed domain name; and
- (4) the Respondent having been found to be involved in a number of trademark-abusive domain name registrations (e.g., *DDP Specialty Electronic Materials US, LLC v. Vladimir Veselovskiy*, WIPO Case No. [D2025-3033](#); *Fridababy, LLC v. Vladimir Veselovskiy*, WIPO Case No. [D2025-3565](#); *Fridababy LLC. v. Vladimir Veselovskiy*, WIPO Case No. [D2025-3224](#)). In the view of the Panel, this behavior demonstrates a pattern of conduct by the Respondent and further supports a finding of the Respondent's bad faith. Previous UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration, see [WIPO Overview 3.0](#), section 3.1.2. The Panel considers that this is the case here.

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 <theautoventshade.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: February 4, 2026