

ADMINISTRATIVE PANEL DECISION

Penn Fishing Tackle Manufacturing Co. v. 旦唐春 (dan tangchun)
Case No. D2026-1280

1. The Parties

The Complainant is Penn Fishing Tackle Manufacturing Co., United States of America ("United States"), represented by Neal & McDevitt, United States.

The Respondent is 旦唐春 (dan tangchun), China.

2. The Domain Name and Registrar

The disputed domain name <penn-fishing.shop> is registered with Xin Net Technology Corp. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on March 25, 2026. On March 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 31, 2026, 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 (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 1, 2026, 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 in English on April 7, 2026.

On April 1, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On April 7, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on April 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 5, 2026.

The Center appointed Karen Fong as the sole panelist in this matter on May 15, 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 produces and sells fishing rods, reels, lines and related fishing equipment under the PENN brand. The PENN brand has been used in connection with fishing equipment since 1931. The following are some of PENN trade marks registered in the United States:

- United States Trade Mark Registration No. 674119 for PENN registered since February 17, 1959;
- United States Trade Mark Registration No. 1009216 for PENN registered since April 22, 1975; and
- United States Trade Mark Registration No. 6467633 for PENN & Logo (the "Logo Mark") registered since August 31, 2021;

(individually and collectively referred to as the "Trade Mark").

The Logo Mark consists of the word "Penn" in large white uppercase block letters, outlined in blue, centered inside a red horizontal oval/lozenge-shaped carrier. The carrier has a thin white inner border and a dark blue outer border. The Logo Mark is used prominently on the Complainant's website found at its domain name <pennfishing.com>, its Amazon storefront and also on some of its range of products.

The Respondent who appears to be based in China registered the disputed domain name on December 3, 2025. The disputed domain name resolves to a website which prominently displays the Trade Mark and the Logo Mark, mimics the Complainant's Amazon storefront including using its images and content and purports to offer for sale the Complainant's PENN fishing equipment at a discounted price (the "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 or confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that 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

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the following main reasons:

- The content on the Website is in English suggesting that the Respondent is familiar and comfortable with the language;
- The disputed domain name constitutes exclusively of English characters;
- The Complainant is based in the United States and would be unfairly prejudiced by the time and expense it would take to translate the Complaint and evidence into Chinese when the Respondent is proficient in English.

The Respondent has not challenged the Complainant's language request, and in fact has failed to file a response in either English or Chinese despite being duly notified by the Center in both English and Chinese of the language of the proceeding and of the commencement of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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 identity or confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trade mark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

While the addition of the word "fishing" after a hyphen and the Trade Mark may bear on assessment of the second and third elements, the Panel finds the addition of the word does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Based on the available record, 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.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the 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.

Moreover, the nature of the disputed domain name, which comprises the Trade Mark in its entirety with the addition of a hyphen and the word “fishing”, which is descriptive of the Complainant’s products, is likely to mislead Internet users expecting to find the Complainant as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. This is further exacerbated by the fact that it is almost identical to the Complainant’s own domain name for its principal website. The sole difference between the Complainant’s own domain name and the disputed domain name is the hyphen between the Trade Mark and the word “fishing” and their respective Top-Level Domains (“.com” and “.shop”). In addition, the disputed domain name resolves to a website through which the Respondent impersonates the Complainant which further affirms the Respondent’s intention to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the source, origin, or affiliation of the Website.

Based on the available record, 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.

In the present case, the Panel considers it evident that the Respondent was aware of the Trade Mark when registering the disputed domain name given the Trade Mark was registered prior to registration of the disputed domain name, the reputation of the Trade Mark and the use of the Trade Mark and the Complainant’s copyright content on the Website. The Panel further notes that the disputed domain name reproduces the Trade Mark in its entirety with the mere addition of a hyphen and the word “fishing” which is descriptive of the Complainant’s goods and business.

In the [WIPO Overview 3.1](#), section 3.2.2 states as follows:

“Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant’s mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant’s mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent’s claim not to have been aware of the complainant’s mark.”

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name incorporating the Trade Mark with only a trivial easily overlooked variation, without any explanation, is also a significant factor to consider (as stated in [WIPO Overview 3.1](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith. The Respondent has made unauthorised use of the Complainant's Trade Mark and copyright content, and the Website purports to offer for sale the Complainant's PENN products without authorisation. Taken together, these factors strongly indicate that the Respondent is deliberately impersonating the Complainant, with a view to misleading Internet users and potentially facilitating fraudulent activity.

The Website prominently displays the Trade Mark, Logo Mark and reproduces the Complainant's branded content, without any disclaimer clarifying the absence of any relationship between the Parties. The overall presentation of the Website is calculated to give the false impression that it is operated by, authorised by, or otherwise affiliated with the Complainant.

It is highly likely that Internet users who type the disputed domain name into their browser or encounter it via a search engine would expect to reach a website operated by the Complainant. The disputed domain name wholly incorporates the Trade Mark and has been used in a manner that reinforces that false association, thereby increasing the risk of confusion.

In light of the above, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its Website by creating a likelihood of confusion with the Complainant's Trade Mark as to the source, sponsorship, affiliation, or endorsement of the Website and the products offered on it, within the meaning of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that the third element of the Policy has been established. Based on the available record, 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 <penn-fishing.shop> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: June 3, 2026