ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

EE Holding Group LLC v. Oliver jack
Case No. D2026-2190

1. The Parties

Complainant is EE Holding Group LLC, United States of America ("United States" or "U.S."), represented by The Sladkus Law Group, United States.

Respondent is Oliver jack, United States.

2. The Domain Name and Registrar

The disputed domain name <ericmanuelshorts.com> is registered with CloudFlare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 20, 2026. On May 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 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 (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to Complainant on May 26, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on May 26, 2026.

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 Respondent of the Complaint, and the proceedings commenced on May 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 18, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 19, 2026.

The Center appointed Scott R. Austin as the sole panelist in this matter on June 24, 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 following facts appear from the Complaint (as amended solely to add the Registrar provided registrant) and its attached Annexes, which have not been contested by Respondent, and provide evidence sufficient to support:

Since 2014 Complainant has served as the holding company responsible for managing the intellectual property portfolio for designer Eric Emanuel, an independent sportswear designer whose designer sportswear goods are sold at retail under the trademark ERIC EMANUEL, EE, and the logo design mark EE (the "ERIC EMANUEL Marks") only through the brand's official website located at "www.ericemanuel.com", at one of five brick and mortar ERIC EMANUEL retail stores located in New York, Miami, and Las Vegas, and through other authorized retailers with whom the brand has partnered. He gained notoriety in the fashion industry by designing custom python basketball jerseys, which became popular among world famous musical artists like Travis Scott, A$AP Rocky, Future, and others. Today, his sportswear collection is recognized for its signature EE mesh shorts, which are made in the U.S., and ongoing sneaker and apparel collaborations with brands like Adidas, Reebok, and New Era. Complainant notes that its signature mesh shorts sportswear products are advertised and offered by Complainant as "EE Shorts" and are widely known as such to consumers in the marketplace.

Complainant asserts and has submitted citations to prior UDRP decisions involving its ERIC EMANUEL Marks to support that the worldwide reputation and popularity of Complainant's brand have resulted in products bearing Complainant's ERIC EMANUEL Marks being subject to frequent counterfeiting, as well as numerous instances of cybersquatting by third parties who register domain names using Complainant's Marks to sell such counterfeit products.

Complainant owns a number of registrations in the U.S. and around the world for the ERIC EMANUEL Marks for designer sportswear products, including the following:

- United States Registration No. 6721224, ERIC EMANUEL, registered on May 24, 2022, for a range of clothing goods in International Class 25, and claiming a first use date at least as early as February 13, 2014;

- United States Registration No. 8025275, ERIC EMANUEL, registered on November 11, 2025, for retail store services featuring clothing and clothing goods in International Class 35, and claiming a first use date at least as early as February 13, 2014;

- United States Registration No. 7310338, EE (design), registered on February 20, 2024, for Pants; Shirts; Clothing jerseys in International Class 25, and claiming a first use date at least as early as February 13, 2014; and

-- International Registration No. 1762468, ERIC EMANUEL, registered on October 11, 2023, for a range of goods in International Class 25, with designations in Chile, Colombia, Singapore, Republic of Korea, Japan, Malaysia, and New Zealand.

Complainant also shows it incorporates the ERIC EMANUEL Mark into its official domain name <ericemanuel.com>, used to promote Complainant's clothing on its official website at "www.ericemanuel.com" (the "Official ERIC EMANUEL Mark Website").

Respondent registered the disputed domain name on April 6, 2026. The Panel's independent investigation of the disputed domain name found that as of the date visited, July 6, 2026, Respondent's disputed domain name resolved to what is generally referred to as a "copycat" website which displayed a landing page strikingly similar to the content on the Official ERIC EMANUEL Mark Website, including Complainant's stylized font EE logo, infringing copies of Complainant's copyright protected digital images featuring its "EE shorts" products with labels and the "favicon" for the website using the ERIC EMANUEL Marks, Complainant's color scheme in labels, font style, graphics, as well as fraudulent contact data for Respondent to phish confidential personal and financial data from unsuspecting consumers visiting Respondent's copycat website used to impersonate Complainant[1]. Numerous cases support a panel's power to undertake such limited factual research, and the Panel has, in its discretion, examined Respondent's website and the USPTO database to confirm the active status of Complainant's ERIC EMANUEL Marks. Complainant's evidence submitted at the time of filing the Complaint showed the same use.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case, and it is apparent from the terms of the Policy that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer or cancel a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. WIPO Overview of WIPO Panel Views on Select UDRP Questions, ("WIPO Overview 3.1"), section 4.2.

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

1. The disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
2. Respondent has no rights or legitimate interests in respect of the disputed domain name; and
3. The disputed domain name has been registered and is being used in bad faith.

The Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with

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[1] "Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. This may include visiting the website linked to the disputed domain name in order to obtain more information about the respondent or its use of the domain name . . or accessing trademark registration databases. ." WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8. See *e.g.*, *Humble Bundle, Inc. v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. D2016-0914; *Creative NetVentures, Inc. v. Webheads*, WIPO Case No. D2000-1655.

each of these elements in more detail below.

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 Complainant's trademark and the disputed domain name. WIPO Overview 3.1, section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. Trademark registration evidence has been submitted in the form of electronic copies of valid and subsisting national and international trademark registration documents in the name of Complainant referenced in Section 4 above. Ownership of a nationally registered trademark constitutes prima facie evidence that the complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. WIPO Overview 3.1, section 1.2.1; see *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen,* WIPO Case No. D2014-0657; see also *Janus International Holding Co. v. Rademacher*, WIPO Case No. D2002-0201.

A consensus among UDRP panels has recognized that the global nature of the Internet and Domain Name System renders the jurisdiction(s) where a trademark is registered irrelevant to panel assessment under the first element test, as are the goods and/or services for which the mark is registered or used in commerce, the filing/priority date, date of registration, and date of claimed first use. See WIPO Overview 3.1, section 1.1.2.

A side-by-side comparison between the disputed domain name and Complainant's Mark shows the disputed domain name is confusingly similar to the ERIC EMANUEL Mark as well as Complainant's official domain name <ericemanuel.com> used to access Complainant's Official ERIC EMANUEL Mark Website.

Complainant's ERIC EMANUEL Mark is essentially incorporated in its entirety in the disputed domain name except for Respondent deleting the letter "e" at the beginning of the term "emanuel" to configure the disputed domain name in a manner that could be easily overlooked by unsuspecting consumers as a typo or inadvertently reached by omitting the letter "e", and appending the term "shorts", followed only by the generic Top-Level Domain ("gTLD") ".com". Prior UDRP panels have held "in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing." See*, L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang,* WIPO Case No. D2011-1627; see also*, Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a/ For Sale,* WIPO Case No. D2000-0662. Prior UDRP panels have also found the TLD, being viewed as a standard registration requirement, may typically be disregarded under the paragraph 4(a)(i) analysis. See WIPO Overview 3.1, section 1.11.1; see also *L'Oréal v. Tina Smith,* WIPO Case No. D2013-0820.

Complainant also contends that the disputed domain name must be considered confusingly similar to Complainant's Mark because the deleted initial "e" in "Emanuel" reconfiguration noted above is a purposeful misspelling of Complainant's ERIC EMANUEL Mark, and Complainant's Mark remains clearly recognizable within the disputed domain name. Such reconfiguration intended to confuse Internet users has also been found to be confusingly similar by design. See WIPO Overview 3.0, section 1.9; *Sanofi, Genzyme Corporation v. Domain Privacy,* WIPO Case No. D2016-1193.

The Panel finds that the deleted "e" and added term here, "shorts", does not prevent a finding of confusing similarity with Complainant's ERIC EMANUEL Mark and the mark 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 3.1, section 1.7.

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 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 3.1, section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant contends that none of the circumstances provided in paragraph 4(c) of the Policy for demonstrating a respondent's rights to and legitimate interests in a domain name are present in this case. Respondent has not rebutted 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.

First, Complainant asserts that Complainant has no affiliation, association, or connection, past or present, with Respondent, nor has Complainant given Respondent authority or license to register or use Complainant's trademarks in any manner, including in domain names. In addition, Complainant shows that Respondent likely had knowledge of Complainant and its mark because it registered the disputed domain name approximately 12 years after Complainant's claimed first use of its ERIC EMANUEL Mark and approximately four years after Complainant's earliest registration in the U.S. on May 24, 2022. Prior UDRP panels have held "in the absence of any license or permission from Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed". *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. D2014-1875.

Next, Complainant contends Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services because, as Complainant's submitted web page printouts of Respondent's website connected to the disputed domain name shows, the disputed domain name resolved to a carefully crafted "copycat" version of Complainant's Official ERIC EMANUEL Mark Website to create a false association with Complainant. Respondent's fraudulent activities therefore undermine any claim of rights and legitimate interests. The Panel notes that evidence submitted in the Annexes to the Complaint persuasively supports Complainant's argument because it shows Respondent's website prominently features the sale of competing products identified by the unauthorized use of Complainant's ERIC EMANUEL Mark for the illegitimate purpose of furthering an illegal counterfeiting scheme for Respondent's commercial benefit. Respondent, therefore, is using the disputed domain name to confuse Internet users and suggest an affiliation with or sponsorship by Complainant to attract Internet users to its website for its commercial gain. Based on these facts the Panel finds Respondent's actions are clearly not legitimate and clearly are misleading. Respondent, therefore, cannot establish rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy. See *Six Continents Hotels v. "m on"*, WIPO Case No. D2012-2525.

In addition, Complainant contends Respondent is not commonly known by the disputed domain name, which evinces a lack of rights or legitimate interests under Policy paragraph 4(c)(ii). Complainant has shown in the Registrar's registrant data submitted to the Center that Respondent, identified as "Oliver jack" is not commonly known by the disputed domain name because his name clearly bears no resemblance to it, nor to the ERIC EMANUEL Mark or Complainant's official <ericemanuel.com> domain name. Prior UDRP panels have held where no evidence, including the WhoIs record for the disputed domain name, suggests that Respondent is commonly known by the disputed domain name, then Respondent cannot be regarded as having acquired rights to or legitimate interests in the disputed domain name within the meaning of Policy paragraph 4(c)(ii). See *Moncler S.p.A. v. Bestinfo*, WIPO Case No. D2004-1049.

The Panel finds Respondent configured the disputed domain name as part of a fraudulent scheme to attract unsuspecting consumers searching for Complainant and its highly sought after designer sportswear products to Respondent's website selling counterfeit ERIC EMANUEL brand goods, and making them believe that Respondent's site is Complainant's official website or Respondent is an authorized retailer of genuine ERIC EMANUEL brand goods, when it is not. Respondent's website accessed through the disputed domain name has been configured so that Respondent can unlawfully extract financial gain as well as financial and personal information from unsuspecting consumers believing Respondent to be Complainant. It is a well-established principle according to a consensus of UDRP panels that the use of a domain name for illegal activity such as the fraudulent purposes found here, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Having reviewed the record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 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 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 also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

Complainant contends that Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business by registering a domain name that incorporates the ERIC EMANUEL Mark in its entirety with the deletion of the initial "e" in the surname Emanuel, turning "emanuel" into "manuel". Respondent has thereby created a domain name for registration that is confusingly similar to Complainant's trademark, as well as its official domain name. Prior UDRP panels have found a domain name was registered in bad faith where the respondent registered the domain name for the purpose of intentionally attempting to impersonate or mislead in order to commit fraud. See, e.g., *Houghton Mifflin Co. v. The Weatherman Inc.*, WIPO Case No. D2001-0211; *Marlink SA v. Sam Hen, Elegant Team,* WIPO Case No. D2019-1215; *Beam Suntory Inc. v. Name Redacted*, WIPO Case No. D2018-2861.

Prior UDRP panels have also held where the disputed domain name is configured in a manner to wholly incorporate a complainant's mark, as Complainant's Mark is incorporated here with the omission of only a single letter internal to the ERIC EMANUEL Mark and therefor easily overlooked by consumers, the disputed domain name can only sensibly refer to Complainant; thus, there is no possible justification for Respondent's selection of the disputed domain name other than registration in bad faith. See *Advance Magazine Publishers Inc. v. Arena International Inc.*, *supra.*

Complainant also argues that the disputed domain name constitutes typosquatting based on the deleted "e" misspelling of Complainant's ERIC EMANUEL Mark, as well as misspelling its <ericemanuel.com> domain name, which Respondent has removed appended to capitalize on typing errors made by Complainant's customers searching for Complainant on the Internet. Typosquatting has been accepted as evidence of bad faith registration and use by numerous past UDRP panels. See WIPO Overview 3.1 at 3.1.4; see also *Longs Drug Stores California, Inc. v. Shep Dog*, WIPO Case No. D2004-1069; *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. D2004-0816.

As discussed in greater detail in Section 6B above, Complainant shows in evidence in the Annexes to its Complaint that Respondent used the disputed domain name to configure a copycat website to impersonate Complainant. See WIPO Overview 3.1, section 3.4 and *The Coca-Cola Company v. PrivacyProtect.org/ N/A, Stephan Chukwumaobim,* WIPO Case No. D2012-1088; *Ropes & Gray LLP v. Domain Administrator, c/o DomainsByProxy.com / Account Receivable*, WIPO Case No. D2020-0294.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith registration and use under the Policy. The Panel finds that the evidence presented here, Respondent's copycat website selling unauthorized copies of Complainant's products under its ERIC EMANUEL Mark both on the website and on labels affixed to products sold to pass itself off as Complainant's Official website is sufficient for this Panel to find bad faith registration and use.

Under these circumstances, there can be little doubt Respondent had actual knowledge of Complainant, targeted Complainant's Mark and used its actual knowledge to configure a mimic website to impersonate Complainant for Respondent's commercial benefit. Accordingly, 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 <ericmanuelshorts.com> be transferred to Complainant.

/Scott R. Austin/
Scott R. Austin
Sole Panelist
Date: July 16, 2026