

ADMINISTRATIVE PANEL DECISION

Fanatik Bike Co. v. burrowsz burrowsz

Case No. D2026-2717

1. The Parties

The Complainant is Fanatik Bike Co., United States of America, represented by Wolf Lee Hurst & Slattery, PLLP, United States of America.

The Respondent is burrowsz burrowsz, United States of America.

2. The Domain Name and Registrar

The disputed domain name <fanatikbicycles.com> (the “Disputed Domain Name”) is registered with TuringSign Inc. d/b/a Cosmotown (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 23, 2026. On June 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 25, 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 (JOHN OR JANE DOE, and COSMOTOWN, INC. AND/OR TURNINGSIGN, INC. d/b/a COSMOTOWN: Registrant/Registrar) and contact information in the Complaint. The Center sent an email communication to Complainant on June 29, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed the first amended Complaint on June 30, 2026. Complainant filed the second amended Complaint (referred to hereafter as the “Complaint”) on July 7, 2026.

The Center verified that the original Complaint together with the amended Complaints 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 July 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 28, 2026.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on July 29, 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

Complainant states that it “markets and sells mountain bikes and associated products and equipment through a brick and mortar store” in Bellingham, Washington, United States of America “and independently through its website www.fanatikbike.com (‘Fanatik Website’), all since 2004”; that it had annual gross sales of USD 9.2 million in 2025; that it “has consistently been recognized by the National Bike Dealer Association as one of the top 100 bike shops in America every year since 2014”; and that its “customized bike builder” on its website “allows a customer located anywhere in the world to construct a bike from scratch.”

Complainant states, and provides documentation in support thereof, that it is the owner of United States of America Reg. No. 4,421,015 for FANATIK (registered October 22, 2013) for use in connection with, inter alia, “retail store services featuring bicycles, bicycle parts” (the “FANATIK Trademark”).

The Disputed Domain Name was created on May 2, 2026. As stated in the Complaint, the Disputed Domain Name “is currently being used for Respondent’s website to pirate the content from the Fanatik Website. This pirating involves copying of the entire content on the Fanatik Website, including links to purchase products and an associated checkout. It is clear that the sole purpose of the website associated with the Respondent Domain Name is to scam potential customers of Fanatik to place bogus orders in hopes of securing credit card and other personal information”. The Panel’s review¹ of the website associated with the Disputed Domain Name shows that it contains significant similarities to Complainant’s website, including use of the FANATIK Trademark on the website, similar (if not identical) images, and identical text (including: “We’re a small but passionate mountain bike shop based in Bellingham, WA — with incredible Pacific Northwest trails right in our backyard. We specialize in custom mountain bike builds, full bike maintenance, and mountain bike rentals”).

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. Notably, Complainant contends in relevant part that:

- The Disputed Domain Name is identical or confusingly similar to the FANATIK Trademark because the Disputed Domain Name includes the FANATIK Trademark in its entirety, plus the word “bicycles”, which is “a generic term” that “does not distinguish [the] domain name from [the] protected mark” and “actually makes Respondent’s use even more confusingly similar. Fanatik has been using the mark for the promotion and sale of bikes and accessory products”.

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, in particular to affirm or corroborate a party’s contention. 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 [...]” WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8.

- Respondent has no rights or legitimate interests in the Disputed Domain Name because Complainant “has never granted Respondent any right to use its ‘fanatik’ mark”; “Respondent is not actually marketing or selling product with the Respondent Domain Name, but is instead seeking to scam consumers to secure credit card and other information”; and “[n]one of the[] characteristics” set forth in paragraph 4(c) of the Policy “exists as to Respondent.”
- Respondent registered and is using the Disputed Domain Name in bad faith because “the fact that Respondent has copied and pasted the content of the Fanatik Website is not only evidence, but actual proof of Respondent’s actual knowledge of the Fanatik Website and corresponding use of the mark”; and “Respondent is using the Respondent Domain Name to purposely confuse and scam consumers who would otherwise be seeking to purchase product from Fanatik.”

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the FANATIK Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the FANATIK Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “fanatikbicycles”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. [WIPO Overview 3.1](#), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.1](#), “in cases where a domain name incorporates the entirety of a trademark,... the domain name will normally be considered confusingly similar to that mark”. Further, as set forth in section 1.8 of [WIPO Overview 3.1](#), “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”.ww Here, the Disputed Domain Name contains the entirety of the FANATIK Trademark, and the addition of the word “bicycles” does not prevent a finding of confusing similarity.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, Complainant “has never granted Respondent any right to use its ‘fanatik’ mark”; “Respondent is not actually marketing or selling product with the Respondent Domain Name, but is instead seeking to scam consumers to secure credit card and other information”; and “[n]one of the[] characteristics” set forth in paragraph 4(c) of the Policy “exists as to Respondent.”

[WIPO Overview 3.1](#), section 2.1, states: “Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that 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.”

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's 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 the registrant's website or location or of a product or service on the registrant's website or location. Policy, paragraph 4(b).

By using the Disputed Domain Name in connection with a website that appears to be a website for, or associated with, Complainant, Respondent has clearly created a likelihood of confusion pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *The Dow Chemical Company v. dowaychemical eva_hwang@21cn.com +86.7508126859*, WIPO Case No. [D2008-1078](#) (finding bad faith where complainant alleged that respondent's website “fraudulently impersonat[ed] the Complainant” because “[t]he Respondent was clearly specifically targeting the Complainant's trademark and attempting to divert Internet users searching for the Complainant's product to the Respondent's website”); *Emu (Aus) Pty Ltd. and Emu Ridge Holdings Pty Ltd. v. Antonia Deinert*, WIPO Case No. [D2010-1390](#) (“a reasonable person who visited the Respondent's website was likely to be misled in relation to the source, sponsorship, affiliation, or endorsement of the website and the products purportedly made available for online sale on the website”); and *Cantor Fitzgerald Securities, Cantor Index Limited v. Cantor Index*, WIPO Case No. [D2010-0807](#) (finding bad faith where “Respondent copied text, logos and other elements from Complainant's website”).

The Panel finds that 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 <fanatikbicycles.com> be transferred to Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: July 30, 2026