

ADMINISTRATIVE PANEL DECISION

AMG Group Limited v. 宋雪瑞 (Song Xue Rui)
Case No. D2022-4676

1. The Parties

The Complainant is AMG Group Limited, United Kingdom, represented by Burness Paull LLP, United Kingdom.

The Respondent is 宋雪瑞 (Song Xue Rui), China.

2. The Domain Name and Registrar

The disputed domain name <vangouk.com> (the “Domain Name”) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint regarding five domain names was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 6, 2022. On December 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the domain names. On December 8, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrants and contact information for the domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on December 21, 2022, providing the registrants and contact information disclosed by the Registrar, and inviting the Complainant to either submit an amendment to the Complaint or separate the Complaint for the domain names. The Complainant filed an amended Complaint regarding the Domain Name <vangouk.com> on December 22, 2022.

The Center verified that the Complaint together with 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 28, 2022. In accordance with the Rules, paragraph 5, the due date for Response was January 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 20, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on January 31, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant owns and distributes outdoor, footwear and snow sports brands, under different brands, one of them VANGO.

The Complainant owns trademark registrations for VANGO, such as UK trademark registration number UK00000979212 registered on August 12, 1971, and UK trademark registration number UK00001548756 registered on September 23, 1993. The Complainant also owns the domain name <vango.co.uk>, which is used to operate the Complainant's website.

According to the Complaint, the Domain Name was registered on August 6, 2022. At the time of drafting the Decision, the Domain Name redirected to a webpage that appears to sell casseroles and pots.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the addition of "uk" does not prevent a finding of confusing similarity with the Complainant's trademark.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent has not been known by the Domain Name, nor has it traded under the name "VANGO". The Respondent cannot establish rights in the Domain Name. The Respondent registered the Domain Name more than 50 years after the Complainant's trademark registration and more than 20 years after the Complainant's domain name. The Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Complainant argues that the Respondent is using the Domain Name to supply retail services and previously advertised camping equipment purporting to be official VANGO products at significantly reduced prices. To the best of the Complainant's knowledge, the Respondent is not selling, and never has sold, legitimate VANGO products.

The Complainant argues that the Respondent must have known of the Complainant and its trademark, as VANGO is a trademark registered long before the Respondent registered the Domain Name, and the Complainant's trademark is well known and distinctive. Moreover, the Respondent's use of the Domain Name is evidence of bad faith, in particular the Respondent's prior website with a high degree of similarity with the Complainant's own website, including unauthorized use of the Complainant's VANGO logo.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights to the trademark VANGO. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the addition of "uk". This addition does not prevent a finding

of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domains (“gTLDs”), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register the Domain Name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Respondent’s use of the Domain Name is not *bona fide*, but rather evidence of bad faith, see below.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds it evident from the composition of the Domain Name and the Respondent’s use of the Domain Name that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. The Respondent’s former and current use of the Domain Name is evidence of bad faith use.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name <vangouk.com> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: February 3, 2023