

ADMINISTRATIVE PANEL DECISION

MMI-IPCO, LLC v. Lili Jiang
Case No. D2024-4823

1. The Parties

The Complainant is MMI-IPCO, LLC, United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, LLP, United States.

The Respondent is Lili Jiang, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 22, 2024. On November 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 22, 2024, 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 Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on December 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 26, 2024.

The Center appointed Indrek Eelmets as the sole panelist in this matter on January 6, 2025. 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 is the intellectual property holding company for various intellectual properties used by Polartec, LLC, which manufactures and sells fabrics under the POLARTEC trademark. POLARTEC trademark was adopted and first used in connection with fabrics since 1991. POLARTEC branded fabrics are sold to companies that manufacture and sell clothing made from these fabrics. Licensed customers use the POLARTEC trademark in marketing finished apparel, which is sold by retailers worldwide.

The Complainant owns trademark registrations for POLARTEC in numerous countries worldwide, including:

- United States Trademark Registration POLARTEC, No. 1865829, registration date December 6, 1994, in class 24;
- United States Trademark Registration POLARTEC (logo), No. 2056033, registration date April 22, 1997, in class 24; and
- China Trademark Registration POLARTEC, No. 1254370, registration date March 14, 1999, in class 25.

The disputed domain name was registered on September 21, 2022. At the time this Complaint was submitted, the disputed domain name resolved to a website that purportedly offers clothing products for sale at discounted prices and displays the Complainant's trademark and logo.

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 confusingly similar to the trademark, 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. The Complainant has not licensed or otherwise permitted the Respondent to use the POLARTEC trademark or to register and use the disputed domain name incorporating the POLARTEC trademark. The Complainant is concerned that the Respondent uses the disputed domain name for fraudulent purposes.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

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 POLARTEC 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, “shop”, 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.

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 notes that by using the disputed domain name, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s mark. Given the Complainant’s numerous trademark registrations for, and its widespread use of the trademark POLARTEC, the disputed domain name and the Respondent’s website may create the false impression that the goods offered on the Respondent’s website are connected to or approved by the Complainant. The Panel has no doubt that the Respondent was aware of the Complainant and the Complainant’s trademark rights when registering the disputed domain name. The inclusion of the Complainant’s trademark in the disputed domain name is unlikely to be a coincidence.

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 <polartecshop.com> be transferred to the Complainant.

/Indrek Eelmets/

Indrek Eelmets

Sole Panelist

Date: January 20, 2025