

ADMINISTRATIVE PANEL DECISION

Protect Clothing Limited v. Ali Gg, Aligg
Case No. D2024-5021

1. The Parties

The Complainant is Protect Clothing Limited, United Kingdom, represented by Briffa Legal Limited, United Kingdom.

The Respondent is Ali Gg, Aligg, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <protectldn.shop> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 5, 2024. On December 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 5, 2024, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 5, 2024, 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 on December 9, 2024.

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 of the Complaint, and the proceedings commenced on December 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2025. The Respondent sent email communications to the Center on December 7, 2024, and January 7, 2025. Accordingly, the Center notified Commencement of Panel Appointment Process on January 6, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on January 14, 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 was incorporated in March 2022 and is specialized in the design and sale of streetwear and casual style clothing and accessories under the PROTECT and PROTECT LDN mark (generally referred both together hereinafter indistinctively as the “PROTECT” mark).

The Complainant has provided evidence of ownership of the following trademark registrations:

- United Kingdom trademark registration No. UK00003904152 for PROTECT (semi-figurative mark), filed on April 24, 2023, and registered on September 1, 2023, in classes 9, 14, 18, 25 and 35;

- China trademark registration No. 78387773 for PROTECT LDN (word mark), filed on May 6, 2024, and registered on October 21, 2024, in class 18;

- China trademark registration No. 78375059 for PROTECT LDN (word mark), filed on May 6, 2024, and registered on October 28, 2024, in class 14.

The Complainant is also the owner of the domain name <protectldn.com>, which was registered on February 22, 2022, and is used by the Complainant to advertise and offer for sale clothing and accessories under the PROTECT mark.

The disputed domain name <protectldn.shop> was registered on August 28, 2024 and is currently not pointed to an active website. According to the screenshots submitted by the Complainant – which have not been contested by the Respondent -, the disputed domain name previously resolved to an online store offering for sale purported PROTECT branded goods at discounted prices, claiming to be “Protect Official Website” and providing an address based in London.

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 <protectldn.shop> is confusingly similar to the Complainant's trademarks.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name since: i) the Respondent has never been authorized by the Complainant to use the PROTECT mark; ii) the Respondent is not commonly known by the disputed domain name; iii) the Respondent deliberately registered the disputed domain name to divert traffic away from the Complainant and used it for illegal purposes such as phishing, since the website associated with the disputed domain name purports to offer goods that originate from the Complainant whilst the Respondent is not an authorized reseller of PROTECT products; and iv) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers and/or to tarnish the Complainant's trademark.

With reference to the circumstances evidencing bad faith, the Complainant states that the disputed domain name was registered primarily for the purpose of diverting potential customers of the Complainant to

the Respondent's website and hence disrupt the business of the Complainant and that, since the Complainant's PROTECT mark is distinctive and well-known and was published on the website to which the disputed domain name resolved, the Respondent likely had the Complainant's trademark in mind at the time of registration. In this regard, the Complainant submits that the disputed domain name not only includes the Complainant's PROTECT mark but also the non-distinctive term "ldn", which could be associated with the Complainant's business.

The Complainant also states that the Respondent is using the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, affiliation or endorsement of its website, according to paragraph 4(b)(iv) of the Policy. The Complainant points out that the links on the home page call to mind the Complainant's business and purport to advertise the Complainant's PROTECT goods and concludes that it is a reasonable assumption that the website at the disputed domain name generates revenue from the sale of counterfeit goods and the collection of consumer details.

B. Respondent

The Respondent did not submit a formal Response but only sent two brief informal communications to the Center, the first being on December 7, 2024, asking for details on what information was required, and the second on January 7, 2025, requesting that the disputed domain name be released.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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. Indeed, the Complainant has provided evidence of ownership of valid trademark registrations for PROTECT (semi-figurative mark) and PROTECT LDN (word mark).

The Panel finds that the disputed domain name is identical to the Complainant's trademark PROTECT LDN as it reproduces the trademark in its entirety without any variation.

The Panel also finds that the disputed domain name is confusingly similar to the Complainant's trademark PROTECT, as it reproduces the denominative element of the PROTECT mark with the addition of the three-letter term "ldn", which does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The applicable generic Top-Level Domain (“gTLD”) in a domain name, such as the gTLD “.shop” in this case, is viewed as a standard registration requirement and is thus disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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 notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee or authorized reseller of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s trademark.

Moreover, there is no element from which the Panel could infer a Respondent’s right over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel notes that, as highlighted above, the disputed domain name currently redirects to an inactive website. However, the Complainant has submitted evidence – that the Respondent has not contested - showing that the disputed domain name previously resolved to a website promoting and offering purported PROTECT clothing for sale at discounted prices, whilst claiming to be the official PROTECT site and providing an address located in London. Such use of the disputed domain name suggests that the Respondent intended to divert users looking for the Complainant’s products to its own website, passing off as the Complainant or one of its affiliated entities. Therefore, the Panel finds that the Respondent has not used, or made preparations to use, the disputed domain name in connection with a bona fide offering of goods or services or a legitimate non-commercial or fair use of the disputed domain name without intention to misleadingly divert consumers or to tarnish the Complainant’s trademark.

Moreover, Panels have categorically held that the use of a domain name for illegal activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Furthermore, the Panel finds that the disputed domain name, combining the Complainant’s PROTECT mark with the term “ldn”, which can be interpreted as a contractional slang for the city of London and is also used by the Complainant for its own domain name <protectldn.com>, and in the Complainant’s PROTECT LDN mark, carries a high risk of implied affiliation with the Complainant. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute

fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. WIPO Overview, section 2.5.1.

Therefore, the Panel finds the second element of the Policy has also 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 finds that, in light of the prior registration and use of the Complainant's trademark PROTECT in connection with the Complainant's streetwear and casual style clothing and accessories promoted and sold online via the Complainant's website "www.protectldn.com", the Respondent was or could have been aware of the Complainant's trademark at the time of registering the disputed domain name.

Moreover, considering the identity of the disputed domain name with the Complainant's PROTECT LDN mark and its domain name <protectldn.com>, and the prior use made by the Respondent in connection with a website offering for sale purported PROTECT clothing and accessories, the Panel finds that the Respondent was actually aware of the Complainant and its trademark rights at the time of registration of the disputed domain name.

In view of the use of the disputed domain name to divert users to the website described above, publishing the Complainant's PROTECT mark and offering purported PROTECT products for sale whilst claiming to be the official PROTECT website and displaying an address based in London, the Panel finds that the Respondent intentionally attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the trademark PROTECT as to the source, sponsorship, affiliation or endorsement of its website according to paragraph 4(b)(iv) of the Policy.

The disputed domain name is currently not redirected to an active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the composition of the disputed domain name being almost identical to the Complainant's domain name (except for the gTLD), the Respondent's prior use, and the Respondent's failure to submit a response and to provide any evidence of actual or contemplated good-faith use, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <protectldn.shop> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: January 28, 2025