

ADMINISTRATIVE PANEL DECISION

Lancaster Archery Supply, Inc. v. wfsa fgsaf
Case No. D2024-5040

1. The Parties

The Complainant is Lancaster Archery Supply, Inc., United States of America, represented by Greenberg Traurig, LLP, United States of America.

The Respondent is wfsa fgsaf, Romania.

2. The Domain Name and Registrar

The disputed domain name <lancasterarcher.shop> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 6, 2024. On December 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 9, 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 (originally named Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 10, 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 16, 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 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 10, 2025.

The Center appointed Adam Samuel as the sole panelist in this matter on January 17, 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 an archery, hunting and outdoor lifestyle supply retailer. The Complainant owns a United States trademark registration for the name LANCASTER ARCHERY SUPPLY, registration no. 2997584, registered on September 20, 2005. The Complainants promote their services through their online shop at <lancasterarchery.com > which was registered on November 22, 1999.

The disputed domain name was registered on May 25, 2024. It resolves to an error page currently. Previously, it appeared to sell the Complainant's goods using 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 dispute domain name is virtually identical to the Complainant's mark, only excluding the generic term "supply", adding the generic top-level domain ("gTLD") ".shop" and misspelling "archery" by deleting the letter 'y'. The dominant feature of the trademark can be recognized within the disputed domain name.

The Respondent is not commonly known by the disputed domain name and has not been authorized by the Complainant to register or use the disputed domain name. Instead, the Respondent was using the disputed domain name to divert Internet traffic to its own website. This created a false association with the Complainant by prominently displaying the Complainant's highly distinctive design mark and selling the Complainant's archery products at severely discounted prices. The Respondent's website also contained a fake login site in order to capture the personal information of people who think that they are dealing with the Complainant. The Respondent's website was used to sell counterfeit or non-existent products in order to steal personal and financial information from consumers.

In addition, the Respondent used a fake name and a non-existent address when registering the disputed domain name.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name consists of the Complainant's trademark less the letter "y" and the generic word "supply" as well as the generic top-level domain ("gTLD") ".com".

The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 1.9 of the [WIPO Overview 3.0](#) says:

"A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognizable aspects of the relevant mark. ..."

The omission of the letter "y" appears to be an intentional misspelling of the main part of the Complainant's trademark. The dominant part of the Complainant's trademark consists of the words "Lancaster" and "Archer". The disputed domain name is confusingly similar to the Complainant's trademark.

For these reasons, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Respondent is not called "Lancaster", "Archer" or anything similar and has never used the disputed domain name for any purpose other than to impersonate the Complainant. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

The screenshots of the website to which the disputed domain name resolved on December 4, 2024, show at the top of the page the Complainant's name, trademark and logo. It shows a number of archery-related items for sale at what largely appear to be reduced prices. Internet visitors are invited to sign-in by a button on the top-right hand corner of the first page. This appears to have resolved to a sign-in page in which customers were invited to supply a password.

The Respondent's website shows that when it registered the dispute domain name, it knew of the Complainant's trademark and business. It then sought to disrupt that business by diverting Internet users seeking the Complainant's website to its own so that it could sell them discounted or perhaps non-existent goods. This behaviour constitutes bad faith: [WIPO Overview 3.0](#), section 3.4.

For these reasons, 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 <lancasterarcher.shop> be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: January 22, 2025