

ADMINISTRATIVE PANEL DECISION

Calvin Klein Trademark Trust and Calvin Klein Inc. v. ebay i
Case No. D2024-5110

1. The Parties

The Complainants are Calvin Klein Trademark Trust, United States of America (“United States”), and Calvin Klein Inc., United States, represented by Lipkus Law LLP, Canada.

The Respondent is ebay i, China.

2. The Domain Names and Registrar

The disputed domain names <ckjeans.online> and <ckjeans.sale> are registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 11, 2024. On December 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 13, 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 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 8, 2025.

The Center appointed Masato Dogauchi 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 has been engaged in the production, sale and licensing of, among other things, men's and women's apparel, fragrances, accessories, and footwear. Since its formation, the Complainant has used and registered several of its marks in the United States and throughout the world.

The Complainant has registered trademarks such as:

- United States Trademark Registration No. 1,086,041 for CALVIN KLEIN, registered on February 21, 1978;
- United States Trademark Registration No. 2,314,144 for CK, registered on February 1, 2000;
- United States Trademark Registration No. 2,069,292 for CK CALVIN KLEIN JEANS, registered on June 10, 1997.

The Complainant owns a number of domain names, such as <calvinklein.com>, <calvinkleinbags.com>, <calvinkleinunderwear.com>, <calvinkleinfashion.com>, and <ck.com>. Since their registration, the Complainant has used and continues to use these domain names in connection with its various websites, which provide information about the Complainant and its products and services as well as offer its products for sale.

The disputed domain names were both registered on October 29, 2024. Both disputed domain names resolved to identical websites that reproduced a video showing the Complainant's trademarks, followed by a login page. At the date of filing of the Complaint, the disputed domain name <ckjeans.online> led to an Internet error page stating "This site cannot be reached."

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 names.

B. Respondent

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

6. Discussion and Findings

In accordance with the Rules, paragraph 15(a), a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Since the Respondent has not made any arguments in this case, the following Decision is rendered on the basis of the Complainant's contentions and other evidence submitted by the Complainant.

In accordance with the Policy, paragraph 4(a), in order to qualify for a remedy, the Complainant must prove each of the following:

- (i) The disputed domain names are 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 names; and

- (iii) The disputed domain names have been registered and are 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 names. 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 its trademarks, especially its CK trademark, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain names include the Complainant's CK trademark in its entirety. Such facts support a finding that the disputed domain names are confusingly similar to the Complainant's CK trademark. The addition of the term "jeans" and generic Top-Level Domains ".online" and ".sale" does not prevent a finding of confusing similarity.

In addition, the Panel notes the fact that the websites previously displayed or displayed at present at the disputed domain names clearly show an attempt to target the Complainant's trademark affirms the finding of confusing similarity. [WIPO Overview 3.0](#), section 1.15.

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.

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 names. 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 names such as those enumerated in the Policy or otherwise. The composition and use of the disputed domain names indicate a clear attempt to impersonate the Complainant for the Respondent's own benefit, which, together with the absence of a response in these proceedings, leads to the conclusion that the Complainant has satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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 a panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, in consideration of the fact that the Complainant has been engaged in the production, sale and licensing of, among other things, men's and women's apparel, fragrances, accessories, and footwear for many years, and its CK trademark was registered on February 1, 2000, it is highly unlikely that the Respondent could have been unaware of the Complainant's CK trademark at the time of registration of the disputed domain names on October 29, 2024. Given the use of the disputed domain names for websites impersonating the Complainant, such knowledge appears evident. Therefore, this Panel finds that the Respondent registered the disputed domain names in bad faith.

With regard to the requirement that the disputed domain names are being used in bad faith, the disputed domain names are being intentionally used to divert Internet traffic to a website that purports to be

associated with or endorsed by the Complainant. This fact is enough to conclude that the use of the disputed domain names constitutes bad faith. [WIPO Overview 3.0](#), section 3.1. The inactive website at the disputed domain name <ckjeans.online> at the time of filing of the Complaint does not prevent a finding of bad faith under the circumstances of these proceedings.

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 names <ckjeans.online> and <ckjeans.sale> be transferred to the Complainant.

/Masato Dogauchi/

Masato Dogauchi

Sole Panelist

Date: January 22, 2025