

ADMINISTRATIVE PANEL DECISION

The House of LR&C, PBC v. fhjj sdasdas, sdasdasfhjj
Case No. D2024-5198

1. The Parties

The Complainant is The House of LR&C, PBC, United States of America ("United States"), represented by DLA Piper US LLP, United States.

The Respondent is fhjj sdasdas, sdasdasfhjj, United States.

2. The Domain Name and Registrar

The disputed domain name <goodmanclothes.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 18, 2024. On December 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 21, 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 27, 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 January 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 24, 2025.

The Center appointed Steven Auvil as the sole panelist in this matter on January 29, 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

According to the Complaint and the amended Complaint, the Complainant is a Delaware corporation that owns and operates a men's high end clothing brand, GOOD MAN BRAND, founded by National Football League quarterback Russell Wilson in November 2016. The Complainant sells GOOD MAN BRAND men's apparel, footwear, and accessories through its online retail store throughout the United States and internationally. The Complainant also sells GOOD MAN BRAND products through high end retailers such as Saks Fifth Avenue, Nordstrom, and Revolve.

The Complainant owns the GOOD MAN BRAND mark, as well as the text, images, and photographs it uses in connection with marketing GOOD MAN BRAND products. The Complainant owns two United States trademark registrations for the GOOD MAN BRAND mark: registration no. 5046954, registered September 20, 2016; and registration no. 5530743, registered July 31, 2018. The Complainant also owns other GOOD MAN BRAND trademark registrations, including Canadian registration no. TMA1144152, registered October 3, 2022; European Union registration no. 018340262, registered May 28, 2021, and New Zealand registration No. 1167477, registered November 1, 2022. The Complainant also owns the domain name <thegoodmanbrand.com> for the promotion and sale of GOOD MAN BRAND products.

The disputed domain name was registered on August 6, 2024. According to the Complaint and the Amended Complaint, the disputed domain name is holding itself out as an authentic GOOD MAN BRAND website and purports to sell GOOD MAN BRAND products at a significantly discounted price and features the GOOD MAN BRAND mark. The disputed domain name website also uses the same photos and product descriptions as the Complainant's own website. According to the Complaint and the Amended Complaint, the Respondent registered the disputed domain name to perpetrate fraudulent actions by misusing the credit card information users submit.

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.

The Complainant first contends that the disputed domain name is confusingly similar to its GOOD MAN BRAND mark. The Complainant alleges that the disputed domain name has a direct reference to the GOOD MAN BRAND in an effort to confuse consumers into believing they were legitimately transacting with the Complainant. The Complainant further alleges that the disputed domain name is nearly identical to the Complainant's GOOD MAN BRAND mark with the substitution of the word "brand" for "clothes". Further, the Complainant contends that when consumers visit the website associated with the disputed domain name, consumers see the Complainant's GOOD MAN BRAND mark prominently displayed, further engendering confusion.

Next, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant alleges that the Respondent has no business relationship with the Complainant, nor has the Complainant licensed, or otherwise permitted the Respondent to use the GOOD MAN BRAND mark or register any domain name incorporating the GOOD MAN BRAND mark, or authorized the Respondent to sell, supply, or distribute the Complainant's products. Additionally, the Complainant alleges that the Respondent has not filed any application for registration of GOOD MAN, GOOD MAN

CLOTHES, or GOOD MAN BRAND in any trademark office or jurisdiction. Furthermore, the Respondent is not commonly known by the disputed domain name.

Finally, the Complainant alleges that the disputed domain name was registered and is being used in bad faith. The Complainant alleges that the Respondent has attempted to attract, for commercial gain, unsuspecting consumers and dupe them into revealing personal and financial information. The Complainant also alleges evidence of bad faith because the Respondent initially shielded its registrant details through the use of a privacy shield and use of false/fabricated contact information in its registration. Furthermore, according to the Complaint, the Complainant engaged an investigator to conduct a test purchase at the disputed domain name website. The investigator attempted to make purchases from the site but then received an error message. Despite the error message, the investigator's credit card was charged immediately after the attempted purchase was made. Moreover, no order confirmation was received, the investigator received no response to their multiple follow ups, and no product was ultimately delivered.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not answer the Complainant's contentions in the Complaint or the amended Complaint.

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 to obtain relief:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or a 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.

In view of the Respondent's failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented. See *Talk City, Inc. v. Michael Robertson*, WIPO Case No. [D2000-0009](#).

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint and Amended Complaint and reasonable inferences drawn from the evidence presented.

A. Identical or Confusingly Similar

It is well accepted that the first element of the Policy 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 evidence submitted by the Complainant supports the conclusion that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The Complainant owns five registered trademarks for the GOOD MAN BRAND. [WIPO Overview 3.0](#), section 1.2.1.

The evidence also supports the conclusion that the disputed domain name is confusingly similar to the Complainant's GOOD MAN BRAND mark. As set forth in [WIPO Overview 3.0](#), section 1.7, when the entirety

of a mark is reproduced within the disputed domain name, or “at least a dominant feature of the relevant mark is recognizable in the domain name”, the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise)” does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.8.

Here, the disputed domain name is confusing similar to the Complainant’s GOOD MAN BRAND mark. The Respondent has used the “GOOD MAN” portion of the Complainant’s GOOD MAN BRAND mark and added the word “clothes”. In the Panel’s view, GOOD MAN is the dominant portion of the GOOD MAN BRAND mark, and the disputed domain name contains this dominant portion. *Spokane Hoopfest Association v. Travis Haddock, National Hoopfest*, WIPO Case No. [D2023-0785](#). Moreover, substituting the word “clothes” for “brand” is insufficient to differentiate the disputed domain name from the Complainant’s GOOD MAN BRAND mark.

Additionally, as set forth in section 1.11.1 of [WIPO Overview 3.0](#), the applicable generic Top-Level Domain (“gTLD”) (e.g., “.com”, “.site”, “.info”, “.shop”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. As such, the use of “.com” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

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. Such circumstances include:

- (i) before any notice of the dispute, the respondent used, or prepared to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services;
 - (ii) the respondent (as an individual, business, or other organization) is commonly known by the disputed domain name, even if the respondent has acquired no trademark or service mark rights; or
 - (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
- [WIPO Overview 3.0](#), section 2.1.

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.” As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests in a disputed domain name, 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 evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the evidence and arguments of record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant submits un rebutted evidence that the Respondent is using the disputed domain name in an attempt to pass itself off or impersonate the Complainant and trick consumers into revealing personal and financial information about themselves. Panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent has not attempted to rebut the Complainant’s prima facie showing; in fact, the Respondent has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain

name such as those enumerated in the Policy or otherwise. Nor is there evidence of record that the Complainant licensed or otherwise authorized the Respondent's use of GOOD MAN BRAND mark or the dominant portion thereof in a domain name, or that the Respondent has any affiliation, association, sponsorship, or connection with the Complainant.

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 non-exclusive circumstances that, if found by the Panel to be present, is evidence of the registration and use of a domain name in bad faith. Such circumstances include, among others, where "the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor," and where "by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location." [WIPO Overview 3.0](#), section 3.1.

Additionally, section 3.2.1 of the [WIPO Overview 3.0](#) provides that "[p]articular circumstances panels may take into account in assessing whether the respondent's registration of a domain name is in bad faith include: (i) the nature of the domain name (e.g., a typo of a widely-known mark, or a domain name incorporating the complainant's mark plus an additional term such as a descriptive or geographic term, or one that corresponds to the complainant's area of activity or natural zone of expansion); [...] (vi) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, or (viii) other indicia generally suggesting that the respondent had somehow targeted the complainant."

In the present case, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith. The Panel finds that the Respondent knew of the Complainant's GOOD MAN BRAND mark at the time of registering the disputed domain name and endeavored to unfairly capitalize on the mark for commercial gain. The Panel finds that the Respondent has likely engaged in illegal acts using the disputed domain name to impersonate the Complainant in order to pass off its goods as those of the Complainant and to dupe consumers into providing private information in doing so. Bad faith use of the disputed domain name can be inferred from evidence that the Complainant's investigator paid for products ordered using the Respondent's website and did not receive them or provide an explanation as to why they were not so shipped and/or received. Even if there was any other explanation as to the reason why the Complainant's investigator did not receive the products purchased through the website at the disputed domain name, the Panel notes that the use of the disputed domain name leads to a finding of bad faith under the Policy, particularly noting that the website has been designed to pass-off as the Complainant's website.

The Panel therefore 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 <goodmanclothes.com> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: February 12, 2025