

ADMINISTRATIVE PANEL DECISION

National Automotive Parts Association LLC, Genuine Parts Company v. 吴伟军 (Wei Jun Wu)

Case No. D2024-5275

1. The Parties

The Complainants are National Automotive Parts Association LLC, United States of America (“United States” or “U.S.”), and Genuine Parts Company, United States, represented by Bryan Cave Leighton Paisner, United States.

The Respondent is 吴伟军 (Wei Jun Wu), China.

2. The Domain Name and Registrar

The disputed domain name <partsnapaauto.com> is registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 24, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 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 in English on December 27, 2024.

On December 24, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On December 27, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on December 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 20, 2025.

The Center appointed Jacob Changjie Chen as the sole panelist in this matter on January 27, 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 Complainants retail, distribute and supply automotive tools, parts and accessories, and provide automotive maintenance, repair and warranty services under the NAPA mark. The Complainants have approximately 6,000 NAPA branded retail stores and 16,000 automotive service centers across the United States.

The Complainant National Automotive Parts Association LLC owns registrations for the NAPA trademark in various jurisdictions worldwide, including:

- Chinese trademark registration NAPA No. 1304542, registered on August 14, 1999, in Class 12;
- Chinese trademark registration NAPA (device) No. 1317183, registered on September 21, 1999, in Class 12;
- China trademark registration NAPA No. 1257809, registered on March 21, 1999, in Class 37;
- China trademark registration NAPA (device) No. 5377559, registered on March 21, 2010, in Class 12; and
- U.S. trademark registration NAPA AUTO PARTS No. 1471743, registered on January 5, 1988, in Class 42.

The Complainants also own a number of domain names incorporating the NAPA trademark, including <napaonline.com> where the Complainants operate as official website.

The disputed domain name was registered on May 13, 2024. According to the evidence presented by the Complainants, the disputed domain name used to resolve to a "NAPA AUTO PARTS" website promoting products of various brands. The Complainants further submitted evidence showing that the website is associated with phishing and fraud activities including attempting to hack credit card accounts that are used for payment on the website.

Prior to the filing of this Complaint, the Complainants had sent letters to the Registrar and host of the disputed domain name to notify of the accused infringement, and the disputed domain name had been taken down twice.

5. Parties' Contentions

A. Complainant

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is confusingly similar to its registered NAPA trademark as it wholly incorporates the NAPA trademark and merely adding the descriptive terms "parts" and "auto" does not obviate confusion.

The Complainants state that the Respondent is not associated with the Complainants and has no authorization nor license to use the NAPA trademark. The disputed domain name is being used to lure Internet users and fraudulent, which is not legitimate noncommercial use. The Complainants claimed that it has made a prima facie case and the burden of demonstrating rights or legitimate interests shifts to the Respondent.

The Complainants conclude that the disputed domain name was registered and is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Multiple Complainants

The Complaint was filed by two related Complainants.

The Complainants' website at "www.napaonline.com" introduces how the Complainant Genuine Parts Company and other independent auto parts distributors founded NAPA in 1925, and how Genuine Parts Company ultimately became the sole member of NAPA in 2012. In view of their relationship and shared business interests, the Panel finds that the Complainants have a specific common grievance against the Respondent and consolidation is equitable and procedurally efficient. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainants requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is in Latin letters rather than Chinese characters and composed of the English words "parts" and "auto", and that the disputed domain name is resolving to a webpage exclusively in English. Conducting the proceeding in Chinese would result in undue burden on the Complainants and undue delay.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 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 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 “parts” and “auto” may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ 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 Complainants have produced evidence showing the disputed domain name and its email account is associated with phishing and fraud activities, but the Respondent has not rebutted this allegation. Panels have held that the use of a domain name for illegal activity such as phishing and other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Complainants’ NAPA trademark has been registered and used for over a decade and long predates registration of the disputed domain name. The website of the disputed domain name is displaying NAPA AUTO PARTS which is also the trademark of the Complainants. The

Panel determines that the Respondent was aware of the Complainants and its NAPA trademark at the time of registration but registered the disputed domain name in bad faith.

The Panel finds that the Respondent is using the disputed domain name in bad faith based on the substantial risk that the disputed domain name is being used in a fraudulent phishing scheme targeting on Internet users looking for NAPA branded products of the Complainants. Panels have held that the use of a domain name for illegal activity (here, claimed phishing or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainants have 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 <partsnapaauto.com> be transferred to the Complainants.

/Jacob Changjie Chen/

Jacob Changjie Chen

Sole Panelist

Date: February 11, 2025