

## ADMINISTRATIVE PANEL DECISION

The Hand Group LLC v. Prince Mica  
Case No. D2024-5325

### 1. The Parties

The Complainant is The Hand Group LLC, United States of America ("USA"), represented by Smith, Gambrell & Russell, LLP, USA.

The Respondent is Prince Mica, USA.

### 2. The Domain Name and Registrar

The disputed domain name <thedopestshopusa.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 27, 2024. On December 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 31, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 2025, 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 January 6, 2025.

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 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 28, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on January 30, 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 a limited liability company organized in the State of Utah, but doing business out of California. The Complainant began doing business in 2021, which business consists of store and Internet sales of chocolate bars and gummies, vapes and oils and smoking articles, all containing hemp or cannabis.

The Complainant's business website is at the domain name <thedopestshop.com>, which it registered on October 2, 2021.

In conjunction with its business, the Complainant owns and uses USA federal trademark THE DOPEST, registration no. 7495931, registration date September 3, 2024, in international class 030 for chocolate bars and gummy candies containing cannabis, and in international class 034 for vapes and oils.

The Respondent is reportedly an individual also located in the USA who registered the disputed domain name on December 16, 2024. At the disputed domain name website, which is purportedly a copy of the Complainant's website, the Respondent offers for sale the same products that the Complainant offers for sale at its own website.

#### **5. Parties' Contentions**

##### **A. Complainant**

--The Complainant owns the USA trademark THE DOPEST which the Complainant has used since December 17, 2021 in connection with the sale of chocolate bars, gummies and vapes containing hemp and cannabis derivatives.

--The Complainant owns the domain name <thedopestshop.com> which was registered on October 2, 2021 and which hosts the website shop where the Complainant sells its goods and services.

--The Respondent's website at the disputed domain name is a copy of the Complainant's website.

--The disputed domain name is confusingly similar to the Complainant's trademark and domain name. The disputed domain name consists of "shop" and "USA" attached to the Complainant's trademark THE DOPEST.

--The Respondent has no relationship with the Complainant and is not operating a website licensed or approved by the Complainant.

--The Respondent intends to use the website at the disputed domain name to attract for commercial gain Internet users 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 at the Respondent's website or location.

##### **B. Respondent**

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

## 6. Discussion and Findings

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following in order to obtain a transfer or cancellation of a disputed domain name:

- (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.

Under 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.

### A. Identical or Confusingly Similar

The Complainant has exhibited a copy of its THE DOPEST trademark (USA federal) whose data details the Panel has set out above in the Factual Background section. Under the Policy, this is proof that the Complainant has trademark rights in the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.2.1.

As to whether the disputed domain name is identical or confusingly similar to the Complainant's trademark, the Panel observes that in the disputed domain name the Respondent has added the term “shop” and the geographical term “USA”, but the Complainant's trademark THE DOPEST still is readily recognizable. It is well-settled under the Policy that the addition of descriptive and geographical terms to a trademark in general do not avoid a finding of identity or confusing similarity in the disputed domain name. The Panel finds that is the case here. [WIPO Overview 3.0](#), section 1.7.

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

### B. Rights or Legitimate Interests

Owing to the difficulty of the Complainant proving a negative, i.e., proving that the Respondent does not have rights or legitimate interests in the disputed domain name, it is the consensus under the Policy that initially the Complainant need only make a prima facie case. Then it is up to the Respondent to come forward and produce evidence to rebut the Complainant's prima facie case, although the ultimate burden of proof remains on the Complainant. [WIPO Overview 3.0](#), section 2.1.

The Complainant contends that the Respondent has no authorization to use its trademark in the disputed domain name, and that the Respondent is in no way connected to the Complainant. This constitutes a prima facie case in the Complainant's favor under the Policy. [WIPO Overview 3.0](#), section 2.1.

The Respondent has not come forward with evidence to rebut the Complainant's prima facie case, but the Panel will nonetheless examine the record to see if there might be evidence that the Respondent has rights or legitimate interests in the disputed domain name per Policy paragraph 4(c)(i), (ii) and (iii). In doing so, the Panel will accept as true all reasonable contentions of the Complainant. [WIPO Overview 3.0](#), section 2.1 (“The panel may draw inferences from the absence of a response as it considers appropriate, but will weigh all available evidence irrespective of whether a response is filed.”); and *SomaLogic Operating Co. v. Edwards James*, WIPO Case No. [D2022-2902](#) (“In making that assessment, the Panel shall accept as true all reasonable contentions presented in the Complaint.”).

The Panel finds that the Respondent is using the disputed domain name to copy the Complainant's website and to offer for sale the same products that the Complainant offers. The Panel finds this is not a bona fide offering of goods and services per Policy paragraph 4(c)(i). Instead, this is a bad faith offering of goods and

services because the Respondent is passing off, i.e., pretending to be the Complainant and pretending to sell the Complainant's goods and services. [WIPO Overview 3.0](#), section 2.13.1.

As for possible good faith use under Policy paragraph 4(c)(ii) and (iii), the Panel sees no evidence that the Respondent was ever commonly known by the disputed domain name, nor that he was ever using the disputed domain name in a legitimate fair use or noncommercial way.

The Panel therefore finds that the Complainant has met its burden of proof under Policy paragraph 4(a)(ii).

### **C. Registered and Used in Bad Faith**

The Policy provides four non-exclusive ways in which a Complainant can show that a Respondent has registered and is using a disputed domain name in bad faith. In the present case, the Respondent registered the disputed domain name on December 16, 2024, and within a matter of days copied the Complainant's website and purported to sell the same goods as the Complainant. In the Panel's view, the only way the Respondent could have acted this quickly was that he already had in mind the Complainant and was familiar with the Complainant's business.

As to the Respondent's use of the disputed domain name, the Panel finds it is a classic violation of the Policy's bad faith provision at 4(b)(iv):

"[b]y using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel thus finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii) to show that the Respondent registered and is using the disputed domain name in bad faith.

### **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 <thedopestshopusa.com> be transferred to the Complainant.

*/Dennis A. Foster/*

**Dennis A. Foster**

Sole Panelist

Date: February 13, 2025