

ADMINISTRATIVE PANEL DECISION

FINK'S JEWELER'S, Inc. v. Robert Reitz, Home Centers
Case No. D2025-0009

1. The Parties

Complainant is FINK'S JEWELER'S, Inc., United States of America ("United States"), represented by Woods Rogers Vandeventer Black PLC, United States

Respondent is Robert Reitz, Home Centers, United States.

2. The Domain Name and Registrar

The disputed domain name <finkss.shop> 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 January 2, 2025. On January 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 9, 2025, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on January 10, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on January 16, 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 Respondent of the Complaint, and the proceedings commenced on January 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 6, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 7, 2025.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on February 19, 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

Complainant is a company based in the United States. For decades prior to the registration of the disputed domain name, Complainant has offered retail jewelry store services under its FINK'S mark.

In this regard, Complainant owns a registration for the FINK'S mark as United States Registration No. 2,315,806 (registered February 8, 2000) for FINK'S in stylized form.

The disputed domain name was registered on May 8, 2024. Respondent has set up a website at the URL associated with the disputed domain name that purports to offer retail jewelry store services. Complainant has not authorized any activities by Respondent, nor any use of its trademarks thereby.

5. Parties' Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns rights to the FINK'S mark for retail jewelry store services, and which Complainant uses in connection with these services offered via Complainant's own online platform, at "www.finks.com". Complainant contends that Respondent has incorporated its "famous and/or distinctive" FINK'S mark in full, with the addition only of the letter "s". Complainant contends that Respondent lacks rights or legitimate interest in the disputed domain name, and rather has registered and is using it in bad faith, having simply acquired the disputed domain name for Respondent's own commercial gain. In this regard, Complainant alleges that Respondent has set up a website at the URL associated with the disputed domain name that purports to offer retail jewelry store services under the FINK'S mark, and which appears to be "mimicking Complainant's legitimate website" in a deliberate effort to confuse consumers seeking Complainant's own services.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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 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. Complainant has shown rights in respect of the trademark FINK'S, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel considers the addition of the letter "s" to be a common, obvious, or intentional misspelling of the Complainant's trademark (i.e., "typoquatting"). [WIPO Overview 3.0](#), section 1.9.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which 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.

Complainant notes that the website associated with the disputed domain name purports to offer retail jewelry store services, which is in competition with the Complainant’s website. The Panel finds that Complainant has provided prima facie evidence of Respondent’s lack of “rights or legitimate interests” in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted, and accordingly the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. As noted in Section 4 of this Panel’s decision, Respondent has set up a website at the URL associated with the disputed domain name that purports to offer retail jewelry store services. The Panel notes that the website has several references to the Complainant’s trademark FINK’S and purports to offer “Fink’s Exclusive” engagement rings. Hence, Respondent was presumably aware of Complainant’s rights when registering the disputed domain name and is trading on the goodwill of Complainant’s trademarks to attract Internet users for Respondent’s own commercial gain.

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph (4)(a)(iii) 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 <finkss.shop> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: February 28, 2025