

ADMINISTRATIVE PANEL DECISION

Marucci Sports, LLC v. Bryant Melanie
Case No. D2025-0106

1. The Parties

Complainant is Marucci Sports, LLC, United States of America (“United States”), represented by Jones Walker LLP, United States.

Respondent is Bryant Melanie, United States.

2. The Domain Name and Registrar

The disputed domain name <hittershouselas.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 10, 2025. On January 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 14, 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 (c/o www.hittershouselas.com) and contact information in the Complaint.

The Center sent an email communication to Complainant on January 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on January 20, 2025.

The Center verified that the Complaint together with the amendment to 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 Respondent of the Complaint, and the proceedings commenced on January 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 10, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on February 12, 2025.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on February 17, 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 limited liability company based in the United States. For several years prior to the registration of the disputed domain name, Complainant has offered athletic apparel, equipment and related products and services under its marks which include a stylized “M,” as well as the mark HITTER’S HOUSE. In this regard, Complainant owns several registrations for these marks. These include United States Registration No. 4,983,645 (registered June 21, 2016) for HITTER’S HOUSE, as well as United States Registration Nos. 4,792,779 (registered August 18, 2015) and 5,563,668 (registered September 18, 2018) both for a stylized “M,” all used in connection with athletic apparel, products, and services.

The disputed domain name was registered on February 23, 2024. Respondent has set up a website at the disputed domain name that purports to offer products under the HITTER’S HOUSE mark, and includes references to Complainant’s registered HITTER’S HOUSE and stylized “M” marks. 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 HITTER’S HOUSE mark for athletic apparel, products, and services, and which Complainant uses in connection with these products sold via Complainant’s own online platform, at <maruccisports.com>. Complainant contends that Respondent has incorporated this “famous and distinctive” mark in full, with the addition only of the term “las,” which is known as a geographically descriptive indicator for the city of “Los Angeles.” Complainant contends that Respondent lacks rights or legitimate interests 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 disputed domain name that purports to offer products under the HITTER’S HOUSE mark, and includes references to Complainant’s registered HITTER’S HOUSE and stylized “M” marks, in a deliberate effort to confuse consumers seeking Complainant’s own products and 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 trademark HITTER'S HOUSE, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The Panel finds that the mark is recognizable within the disputed domain name. Although the addition of other terms (here, "las") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and Complainant's mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 products or services under Complainant's HITTER'S HOUSE mark. Prior UDRP panels have indicated that a reseller may be considered to have rights or legitimate interests in a mark, provided certain requirements are met. These generally include that: (i) the site is actually offering the goods at issue; (ii) the site is used only to sell the trademarked goods; (iii) the site accurately and prominently discloses the registrant's relationship to the mark holder; and (iv) respondent does not try to "corner the market" in domain names that reflect the mark. See [WIPO Overview 3.0](#), section 2.8; see also *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The Panel finds that these requirements are not fulfilled by the website associated with the disputed domain name. Rather, to the extent that any legitimate goods may be actually offered via the disputed domain name, the associated website does not appear to include a disclaimer of affiliation or endorsement by Complainant, and rather includes unauthorized use of Complainant's marks. Respondent has not put forward any claims or evidence that would suggest rights or legitimate interests for the purposes of the Policy.

The Panel finds that Complainant has provided sufficient 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 disputed domain name that purports to offer products under the HITTER'S HOUSE mark, and includes references to Complainant's registered HITTER'S HOUSE and stylized "M" marks.

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 is using 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 <hittershouelas.com> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: March 3, 2025