

## **ADMINISTRATIVE PANEL DECISION**

Complete Performance, LLC v. ngdrol kubu  
Case No. D2025-0344

### **1. The Parties**

Complainant is Complete Performance, LLC, United States of America ("United States"), represented by Sisson & Banyas, Attorneys at Law, LLC, United States.

Respondent is ngdrol kubu, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <cpaddict.shop> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 28, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 29, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unknown Respondent/ Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email to Complainant on January 30, 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 30, 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 February 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on March 3, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on March 5, 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 has owned the domain name <cpaddict.com> since 2015 and uses that domain name to host its commercial website. The Complainant's website displays "CP COMPLETE PERFORMANCE." The "About Us" page of Complainant's website states in part:

"Welcome to Complete Performance. Founded in 2009 in Jasper, Texas, our journey began as a humble mechanic shop. In 2018, we pivoted our focus to specialize in restoration parts for 1960 - 1997 Ford trucks and Broncos, a niche we are passionate about."

"From our modest beginnings, we have grown significantly. Our operations now thrive in an 18,000 square foot facility, where innovation meets dedication. Here, we constantly develop new products and house an extensive inventory, boasting the largest selection of parts for these iconic vehicles in the world."

"At Complete Performance, we are driven by a commitment to quality, customer satisfaction, and the love for classic Ford trucks and Broncos. Join us in keeping the legacy of these remarkable vehicles alive and thriving. [...]"

"We pride ourselves in being the leading experts in the 1980 to 2003 Ford F-Series Trucks. Complete Performance is a company built by enthusiasts with great zeal to maintain or bring back life to 1992-1997 Fords trucks (the OBS, aka older body style). You will find a plethora of these trucks around our shop since they are almost everyone's daily drivers around here!"

Complainant has applied to the United States Patent and Trademark Office ("USPTO") to register the design mark CP. That USPTO application, Serial No. 98925079, was filed on December 27, 2024, with the first use claimed in 2021, and is still pending.

The Domain Name was registered on November 20, 2024. The Domain Name resolves to a website that purports to sell various automotive parts and accessories, including many parts for Ford trucks and Broncos, as well as "Complete Performance" baseball caps bearing Complainant's logo. According to Complainant, some of the photographs and product descriptions on Respondent's website were "lifted from" Complainant's site.

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

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

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

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

The Panel finds that Complainant has common law rights in the unregistered mark CP COMPLETE PERFORMANCE through use demonstrated in the record, most notably, through use as a source identifier of its products and services offered through its commercial website.

While UDRP panels usually disregard the content of the website associated with the domain name when assessing confusing similarity under the first element, panels have taken note of the website content to confirm confusing similarity whereby it appears prima facie that the respondent seeks to target a trademark through the disputed domain name. The Panel notes that the website at the Domain Name purports to sell products which are, at the very least, similar to Complainant's products, as well as Complainant's own products ("Complete Performance" baseball caps bearing Complainant's trademark and logo) and uses some product images identical to those used by Complainant on its own website. Therefore, the use of the Domain Name supports a finding of confusing similarity between the Domain Name and Complainant's unregistered rights in the CP COMPLETE PERFORMANCE mark (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.15).

Complainant has established Policy paragraph 4(a)(i).

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are 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.

The Panel concludes, on the undisputed record and on a balance of probabilities, that Respondent lacks rights or legitimate interests in connection with the Domain Name. As noted above, Respondent has not come forward in these proceedings to refute any of the allegations made by Complainant, including the allegation that Respondent lifted some of the content on Complainant's site for use on Respondent's site. The Panel further notes that the website at the Domain Name offers items similar to those sold by Complainant and Complainant's own merchandise bearing its marks and logo. While UDRP panels have recognized limited rights for resellers or distributors to nominally use a trademark for its source-identifying function, such fair use is qualified under the so-called "Oki Data" test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). Here, noting the lack of any authorization by Complainant and lack of disclaimer on the website which the Domain Name resolves to, the Domain Name cannot qualify as fair use.

Complainant has established Policy paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. On this undisputed record, the Panel concludes that Respondent very likely had Complainant’s unregistered mark in mind when registering the Domain Name which is nearly identical to Complainant’s own domain name <cpaddict.com>. Respondent sells items similar to those sold by Complainant and targeted toward a similar niche of truck owners and enthusiasts. Respondent also sells merchandise, such as hats bearing Complainant’s marks and logo, at its website. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

### **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 Domain Name <cpaddict.shop> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: March 19, 2025