

ADMINISTRATIVE PANEL DECISION

JD Sports Fashion Plc v. ADM MKTING VENTURES, MKTING VENTURES
Case No. D2025-0377

1. The Parties

The Complainant is JD Sports Fashion Plc, United Kingdom, internally represented.

The Respondent is ADM MKTING VENTURES, MKTING VENTURES, Brazil.

2. The Domain Name and Registrar

The disputed domain name <jdsportoutlet.com> 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 30, 2025. On January 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 31, 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 (No information available) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 3, 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 amendment to the Complaint on February 3, 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 the Respondent of the Complaint, and the proceedings commenced on February 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 28, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on March 4, 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 global omnichannel retailer of sports fashion wear and outdoor brands, incorporated in North West England in 1981. The business of the Complainant experienced significant growth over the years and, today, the Complainant operates over 4,500 stores across 36 countries with a strong presence in the United Kingdom, Europe, North America and Asia Pacific.

In addition to its physical stores, the Complainant operates e-commerce websites available at, inter alia, the following domain names: <jdsports.com>, <jdsports.co.uk>, <global.jdsports.com>, <jdsports.ca>, <jdsports.be>, and <jdsports.es>.

Also, the Complainant has a strong presence on the social media platforms, having about 3.9M followers on Facebook, 3M followers on TikTok, and 2.1M followers on Instagram.

The Complainant owns trademark registrations globally for the mark JD SPORTS, including but not limited to the following:

- the United States of America Trademark Registration number 5524042 for JD SPORTS (word), filed on December 13, 2017, registered on July 24, 2018, covering goods and services in International Classes 25, and 35;
- the European Union trademark registration number 008182611 for JD SPORTS (word), filed on March 26, 2009, registered on December 13, 2011, covering goods and services in International Classes 9, 14, 18, 25, 28, 35, and 36; and
- the United Kingdom Trademark Registration number UK00908182611 for JD SPORTS (word), filed on March 26, 2009, registered on December 13, 2011, covering goods and services in International Classes 9, 14, 18, 25, 28, 35, and 36.

The disputed domain name was registered on June 25, 2024, and, at the time of filing of the Complaint, it was not actively used, directing to an inactive site on the Shopify e-commerce platform.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that it established significant reputation and goodwill in the mark JD SPORTS globally through its longstanding use of the JD SPORTS mark since 1981; the disputed domain name is similar to its earlier trademark, because the disputed domain name uses the entirety of the Complainant's trademark and the Complainant's registered company name (JD SPORTS FASHION PLC); the omission of the letter "s" is likely to be perceived by the consumers as a common typographical error and would therefore lead consumers into thinking that the disputed domain name originates from the Complainant, with its legitimate website at "www.jdsports.com", when that is not the case; the Respondent has no rights or legitimate interests in the disputed domain name; the Complainant submits that the use of the disputed domain name in relation to a Shopify parking page supports a clear intention that the Respondent intends to start trading and offering retail services under the disputed domain name, which are services that the Complainant's earlier trademark rights are used and registered in relation to; the Respondent registered and is using the disputed domain name in bad faith, as evidenced mainly by the following: the substantial goodwill and reputation of the JD SPORTS mark through consistent and extensive use over the many years; the JD SPORTS mark has no meaning and is not a natural word or phrase; the disputed domain name is near identical to the Complainant's trademark; the near instantaneous and global

reach of the Internet and search engines; the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding; the disputed domain name is being used in relation to a Shopify parking page which, if activated, the Respondent will start to earn an income.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (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 the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 Panel finds the mark JD SPORTS is recognizable 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 removal of one letter, the final "s" in the word "sports", and the addition of the term "outlet", here, may bear on assessment of the second and third elements, the Panel finds the deletion, or 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](#), sections 1.8 and 1.9.

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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's 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 Panel notes the composition of the disputed domain name, which combines the Complainant's distinctive trademark, trade name and domain names, reproduced with an obvious misspelling, and an additional term related to the Complainant's retail business (i.e., "outlet"), and which carries a risk of Internet user confusion with the Complainant. UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests some connection to the Complainant.

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.

In the present case, the Panel notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it reproduces the Complainant's trademark, with an obvious misspelling and an additional term related to the Complainant's business, and the Complainant's trademark, trade name and domain names predate the registration of the disputed domain name by about 15 years.

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.

At the time of filing the Complaint, the disputed domain name was not connected to an active website.

UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the disputed domain name (i.e., the combination of the Complainant's trademark, with a minor misspelling, and a descriptive term related to the Complainant's business and is very similar to the Complainant's trade name and domain names); the Respondent's failure to respond to the present proceedings; the Respondent's provision of inaccurate or incomplete contact information in the Whois, underlying a privacy or proxy service; the implausibility of any good faith use to which the disputed domain name may be put, and finds that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.0](#), section 3.1.4.

The Panel finds that the Complainant has 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, <jdsportoutlet.com>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: March 12, 2025