

## ADMINISTRATIVE PANEL DECISION

JD Sports Fashion PLC v. qi shi  
Case No. D2025-0399

### 1. The Parties

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

The Respondent is qi shi, China.

### 2. The Domain Name and Registrar

The disputed domain name <jdsportsintl.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 30, 2025. On February 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 4, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 7, 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 7, 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 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 6, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on March 10, 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>, <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 August 23, 2024, and, at the time of filing of the Complaint, it was not actively used.

When the Panel visited the website under the disputed domain name, this was used in connection with listing pay-per-click ("PPC") pages with sponsored links.

#### **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 confusingly similar to its earlier trademark, because the disputed domain name consists of the JD SPORTS mark and "intl", this being an abbreviation for "international"; the disputed domain name uses the entirety of the Complainant's trademark and the Complainant's registered company name (JD SPORTS FASHION PLC) and therefore this will lead consumers into thinking that the disputed domain name originates from the Complainant, with its legitimate website at "www.jdsports.com" or its global website at "www.global.jdsports.com", when that is not the case; the Respondent has no rights or legitimate interests in the disputed domain name; 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 many years; the JD SPORTS mark has no independent meaning and is not a natural word or phrase; the Complainant's trademark registered since 2011 predates the registration of the disputed domain name registered since 2024; the disputed domain name is nearly identical to the Complainant's trademark; the Respondent registered the disputed domain with full knowledge of, or it should have known, the mark; the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

## **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 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.

While the addition of other term, here "intl", may bear on assessment of the second and third elements, the Panel finds the addition of such element 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](#), section 1.8.

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 the Second-Level element of the Complainant's domain names, with a non-distinctive term (i.e., "intl"), 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 entirely, with an additional non-distinctive term ("intl" deriving from "international"), and the Complainant's trademarks predate the registration of the disputed domain name by about 13 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.

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 term "intl" thus making the disputed domain name 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 registration details of the disputed domain name (this being also a breach of the registration agreement), 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.

Further, when the Panel visited the website under the disputed domain name, the disputed domain name resolved to a page providing PPC links promoting various goods and services.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] web site or location or of a product or service on [the respondent's] web site or location" is evidence of registration and use in bad faith.

The Respondent was using without permission the Complainant's trademark, in order to get traffic on its web portal and to misleadingly divert Internet users to its website, and thus to potentially obtain commercial gain from the false impression created with regard to a potential affiliation or connection with the Complainant.

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, <jdsportsintl.com>, be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: March 17, 2025