

## **ADMINISTRATIVE PANEL DECISION**

Skida LLC v. su peng  
Case No. D2025-0536

### **1. The Parties**

The Complainant is Skida LLC, United States of America (“United States”), represented by Downs Rachlin & Martin, PLLC, United States.

The Respondent is su peng, China.

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

The disputed domain name <cheaperskida.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 10, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 12, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 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 13, 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on March 13, 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 in this administrative proceeding is Skida LLC, a limited liability company registered in the United States. The Complainant is the owner of the SKIDA trademark, which is and has been used in commerce in connection with clothing.

The Complainant is, inter alia, the owner of:

United States Trademark Registration number 6219500 for the SKIDA (word) trademark, registered on December 15, 2020. First use in commerce January 1, 2008;

United States Trademark Registration number 4051080 for the SKIDA (word) trademark, registered on November 1, 2011. First use in commerce January 1, 2008; and

International Trademark Registration number 1737248 for the SKIDA (word) trademark, registered on February 22, 2023.

The Complainant claims it is also the owner of the domain name <skida.com> (registered on March 23, 2016).

The disputed domain name was registered on May 18, 2024.

The disputed domain name resolves to a website where the Complainant's SKIDA trademark, as well as purported SKIDA-branded products offered for sale at discounted prices, and the Complainant's official product images, are displayed.

On November 25, 2024, the Complainant sent the Respondent a cease-and-desist letter via registered mail and email at the contact information available on the webpage of the disputed domain name, copying all contact details from the public Whois database for the disputed domain name. The letter remains unanswered.

#### **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 the addition in the disputed domain name of the term "cheaper", which is a generic word, does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark; that the Respondent has no rights or legitimate interests with respect to the disputed domain name; that the Respondent's use of the Complainant's trademark and copyrighted photos and text on its website clearly shows that the Respondent was aware of the Complainant's business and offering online; and that the Respondent registered and is using the disputed domain name in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel 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 respect of 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 SKIDA mark is incorporated entirely and 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 addition of other terms here, "cheaper", 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 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.

The name of the purported website operator indicated in the contact details on the website is "Skida Fashion, Inc.", and this is potentially relevant because of paragraph 4(c)(ii) of the Policy. However, for the reasons discussed in relation to bad faith below, it is likely that the Respondent adopted this name and registered the

disputed domain name in order to benefit from perceived association with the Complainant, which cannot give rise to rights or legitimate interests. The Panel also noted, in this regard, that there is no evidence before the Panel that the Respondent is actually commonly known by the disputed domain name or “Skida Fashion.”

Having reviewed the available 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.

Furthermore, the nature of the disputed domain name, noting the specific choice of the additional term “cheaper”, in the circumstance of this case, coupled with the content of the website at the disputed domain name, shows a clear intent to impersonate or otherwise falsely suggest a connection with the Complainant.

Panels have held that the use of a domain name for illegitimate activity, here claimed as impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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.

In the present case, the Panel notes that, as discussed below, it is highly likely that the Respondent was aware of the Complainant’s trademark registrations and rights to the SKIDA trademark when it registered the disputed domain name.

The disputed domain name contains, in its entirety, without any authorization or approval, the Complainant’s registered SKIDA trademark.

Furthermore, the content of the Respondent’s website, which makes explicit reference to the Complainant’s SKIDA trademark while offering for sale purported SKIDA-branded goods as well as displaying the Complainant’s official product images, supports a finding that the Respondent knew of the Complainant’s trademarks at the time of registration of the disputed domain name, and is a clear inference that the Respondent intended to target the Complainant when registering the disputed domain name, and has intentionally attempted to mislead Internet users by creating a likelihood of confusion with the Complainant.

The bad faith registration and use of the disputed domain name are also affirmed by the fact that the Respondent did not respond to the Complainant’s cease and desist letter, nor has it denied the assertions of bad faith made by the Complainant in these proceedings.

Finally, panels have held that the use of a domain name for illegitimate activity as here, claimed impersonation, to be used to attract, for commercial gain, Internet users to the Respondent’s website by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website and the products that it purports to offer on it, constitutes bad faith use of the disputed domain name for the purposes of the Policy.

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 <cheaperskida.com> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: March 21, 2025