

ADMINISTRATIVE PANEL DECISION

Rabbitsvault Corp v. Mysin Vadim Yurievich, BPW
Case No. D2025-0677

1. The Parties

The Complainant is Rabbitsvault Corp, United States of America ("United States" of "US"), internally represented.

The Respondent is Mysin Vadim Yurievich, BPW, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <pluginsplayallday.com> is registered with Nicenic International Group Co., Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 19, 2025. On February 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 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. On February 21, 2025, the Center sent an email communication to the Complainant on the same day, 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 24, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 18, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on March 20, 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 business incorporated in the United States and owns trademark registrations for the word mark PLUGPLAY and a stylized “P” letter.

The Complainant markets cannabis smoking and vaping products and related apparel.

The Complainant is among others owner of the following trademark registrations:

- US Trademark Registration No. 7296663 for the word mark PLUGPLAY (filing date: June 2, 2022, registration date: February 6, 2024) with a first use in commerce date of May 9, 2018;
- US Trademark Registration No. 7296664 for the mark consisting of a stylized letter “P” with the interior of the letter having a triangular shape (filing date: June 2, 2022, registration date: February 6, 2024);
- US Trademark Registration No. 6980352 for the mark consisting of the stylized text LIVEST (filing date: June 26, 2022, registration date: February 14, 2023);
- US Trademark Registration No. 6847215 for the mark consisting of the stylized text ALLDAY (filing date: April 26, 2020, registration date: September 13, 2022) with a first use in commerce date of May 1, 2020.

The disputed domain name was registered on May 13, 2021. It has been resolving to a website that purportedly markets cannabis smoking and vaping products. The website prominently displays the Complainant’s PLUGPLAY, variations of the stylized P, stylized LIVEST, and stylized ALLDAY trademarks.

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 disputed domain name substantially incorporates its PLUGPLAY mark which renders it confusingly similar to it;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- the Respondent’s website at the disputed domain name offers counterfeit versions of the Complainant’s products and displays the Complainant’s marks;
- the Complainant’s first use of the marks incorporated within the disputed domain name predates the registration date of the disputed domain name by three years, which indicates that the Respondent registered the disputed domain name with the Complainant’s marks in mind and has been using it to mislead consumers into believing that it is affiliated with the Complainant’s business;
- the Respondent is falsely using the copyright notice “©2021 RABBITSWAG INC. ALL RIGHTS RESERVED” on the website to which the disputed domain name resolves, which deliberate misrepresentation is further evidence of the Respondent’s bad faith. Rabbistwag Inc. is an affiliated entity to the Complainant and has no connection to the Respondent and the disputed domain name.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

- (i) the 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 domain name; and
- (iii) the 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 3.0](#), section 1.7.

The Panel notes that the disputed domain name was registered before the registration dates of the Complainant's trademarks. Further, the website at the dispute domain name prominently displays the Complainant's PLUGPLAY mark and variations of the stylized P, stylized LIVEST, and stylized ALLDAY trademarks, and purportedly offers for sale products that resemble the Complainant's products. Therefore, it is clear to the Panel that the website trades off the Complainant's reputation, which confirms that the Respondent was seeking to target the Complainant's marks and, moreover, registered the disputed domain name because it believed it to be confusingly similar to the Complainant's PLUGPLAY and ALLDAY marks. Therefore, the use of the disputed domain name affirms the confusing similarity between the domain name and the Complainant's common law rights in the PLUGPLAY and ALLDAY marks ([WIPO Overview 3.0](#) at sections 1.3 and 1.15).

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 PLUGPLAY and ALLDAY marks are reproduced and are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Notwithstanding the addition of the letter "s" in the disputed domain name (which here may be perceived as a plural case) the Panel finds that such addition does not prevent a finding of confusing similarity between the disputed domain name and the marks for the purposes of the Policy.

The Panel finds that 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 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.

The Internet Archive captures of the Complainant’s website at <plugplay.com> indicate that its first use of the PLUGPLAY trademark incorporated within the disputed domain name (as well as the first use of its mark consisting of a stylized letter “P”) predates the registration date of the disputed domain name by years, the earliest relevant capture available being May 19, 2019.¹

In contrast to this, the first Internet Archive capture available for the website at the disputed domain name is dated July 25, 2021. The website displayed the completely identical trademarks of the Complainant (the trademark ALLDAY in a different colour scheme) and purportedly marketed the products matching those of the Complainant, which the Complainant assumes were counterfeit. The later captures and the current layout of the Respondent’s website at the disputed domain name also show the Complainant’s exact marks (some in a different colour scheme) and purported marketing of – in view of the Complainant - counterfeit products of the Complainant.

There is no evidence as to whether the goods offered on the Respondent’s website at the disputed domain name were and/or are counterfeit or “genuine”, or whether any of those goods ultimately existed and/or exist.

The Respondent’s website at the disputed domain name has been displaying the copyright notice “©2021 RABBITSWAG INC. ALL RIGHTS RESERVED”, which implies that the products purportedly offered for sale by the Respondent originate with Rabbitswag Inc.

Yet, according to the Complainant, Rabbitswag Inc. is an entity affiliated to the Complainant and the Complainant has not authorized, licensed, or allowed the Respondent to use its marks through the disputed domain name or in any other way that would confer legitimacy upon such usage. Consequently, even if the products on the Respondent’s website under the disputed domain name had existed and/or exist and were genuine, the Respondent’s website would still not qualify as fair use. Not only the website connected to the disputed domain name did not “accurately and prominently disclose the registrant’s relationship with the trademark holder”, the above-mentioned copyright notice has been plainly false. [WIPO Overview 3.0](#), section 2.8.1.

In the Panel’s view the Respondent has been impersonating the Complainant by using on its website at the disputed domain name the Complainant’s marks and images in a way that implies that the products purportedly offered for sale originate with the Complainant, or in this case the Complainant’s affiliate.

¹Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

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

In addition, nature of the disputed domain name affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The website at the disputed domain name has been prominently displaying the Complainant's exact marks (some in a different colour scheme), hence the Respondent must have had actual knowledge of the Complainant and its earlier marks at registration of the disputed domain name.

The Respondent's intent to target the Complainant's trademarks can be readily inferred from the content of the Respondent's website seeking to impersonate the Complainant by directing Internet traffic to its website in order to gain illegitimate profit through impersonation or false association. Visitors of the Respondent's website might reasonably believe that it is connected to or approved by the Complainant as it appears to market products under the Complainant's trademarks and gives the impression that the site attached to the disputed domain name is official, while that is clearly not the case. Panels have held that the use of a domain name for illegal activity, in this case impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

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 <pluginsplayallday.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: March 28, 2025