

## ADMINISTRATIVE PANEL DECISION

Hydrojug, Inc. v. 魏建东 (Wei Jian Dong)  
Case No. D2025-0898

### 1. The Parties

The Complainant is Hydrojug, Inc., United States of America (the “United States”), represented by Project CIP, United States.

The Respondent is 魏建东 (Wei Jian Dong), China.

### 2. The Domain Name and Registrar

The disputed domain name <thehydrojug.com> is registered with Jiangsu Bangning Science & technology Co. Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 5, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On March 6, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On March 12, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that 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 in Chinese and English of the Complaint, and the proceedings commenced on March 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 3, 2025.

The Center appointed Jonathan Agmon as the sole panelist in this matter on April 8, 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 an international retailer of water bottles and accessories.

The Complainant is the owner of various trademark registrations for HYDROJUG worldwide, including the following:

- United States trademark registration no. 5414493 for , registered on February 27, 2018;
- United States trademark registration no. 5870021 for HYDROJUG, registered on September 24, 2019;
- China trademark registration no. 37929851 for HYDROJUG, registered on January 28, 2020;
- China trademark registration no. 56818340 for HYDROJUG, registered on January 07, 2022; and
- China trademark registration no. 56841208 for , registered on January 7, 2022.

The Complainant operates its official e-commerce website at the domain name <thehydrojug.com>.

The disputed domain name was registered on February 23, 2025. At the time of filing the Complaint, it resolved to a website that resembled the Complainant's official website, displayed the Complainant's trademark, and purportedly offered the Complainant's goods for sale at a steep discount.

#### **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 is confusingly similar to the Complainant's HYDROJUG trademark, and infringes on the Complainant's prior trademark rights. The disputed domain name incorporates the entirety of the Complainant's HYDROJUG trademark and therefore is confusingly similar to the Complainant's trademark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.
- The disputed domain name was registered and is being used in bad faith. The Complainant's HYDROJUG trademark was registered long before the registration of the disputed domain name. The disputed domain name incorporates the entirety of the Complainant's HYDROJUG trademark. The Respondent's website displays the Complainant's HYDROJUG trademark prominently and mimics the Complainant's own website. The Respondent's website also purports to offer for sale, counterfeit goods bearing the Complainant's HYDROJUG trademark. The Respondent's website also copies the Complainant's copyrighted works, and looks identical to the Complainant's website. The Respondent has been engaged in a pattern of cybersquatting behaviour, and this is the fourth time in a year that the Respondent has registered a domain name utilizing the Complainant's trademark, and copied the Complainant's website.

## B. Respondent

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

## 6. Discussion and Findings

### Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- The Complainant's language is English;
- The disputed domain name and the contents of the Respondent's website are in English;
- The Registrar's website is in English
- The contact information on the website at the disputed domain name is for the United States, where English is the primary language;
- The Respondent has a pattern of past conduct where he registers domain names incorporating English trademarks, setting up English websites, and sells counterfeit goods to English speaking markets.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 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 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 entirety of the mark is reproduced 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, the prefix "the", and the letter "o", may bear on assessment of the second and third elements, the Panel finds 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](#), 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 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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant’s registration of its trademark predates the registration of the disputed domain name. The disputed domain name resolves to a website displaying the Complainant’s HYDROJUG mark, and is virtually identical to the Complainant’s own website. It purportedly offers the Complainant’s goods for sale at a steep discount. This suggests that the Respondent is targeting the Complainant and is likely attempting to pass off as being related to the Complainant. It also suggests that the goods offered for sale on the Respondent’s website are likely counterfeit goods. The Panel is of the view that there is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate purpose.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: sale of counterfeit goods, impersonation/passing off, 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name several years after the Complainant registered its HYDROJUG trademark. Given the reputation of the Complainant’s HYDROJUG trademark and the use of the Complainant’s HYDROJUG trademark on the website at the disputed domain name, it is highly unlikely that the Respondent was not aware of the Complainant and its trademark prior to the registration of the disputed domain name. This is especially so as the disputed domain name comprises of a typosquatted version of the Complainant’s HYDROJUG trademark, with the addition of the prefix “the”, and the insertion of the letter “o” between “hydro” and “jug”. The insert of the letter “o” to create the diagraph “oo”, is particularly egregious as it is a common typographical error which Internet users would likely make when seeking the Complainant’s own website.

The evidence shown proves that the Respondent was targeting the Complainant and its trademark(s). The Respondent’s failure to file a formal response is further evidence of bad faith.

The Respondent copied the appearance of the Complainant's website including the Complainant's trademarks. The goods offered for sale on the Respondent's website are the goods purportedly offered by the Complainant, and they are offered at a steep discount. This is evidence that the goods offered by the Respondent are suspected to be counterfeit goods.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: sale of counterfeit goods, impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 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 <thehydrojug.com> be transferred to the Complainant.

*/Jonathan Agmon/*

**Jonathan Agmon**

Sole Panelist

Date: April 22, 2025