

## ADMINISTRATIVE PANEL DECISION

BGSD, INC. d/b/a Luxury Lane v. 朱杰 朱杰 (Jie Zhu)  
Case No. D2025-0954

### 1. The Parties

The Complainant is BGSD, INC. d/b/a Luxury Lane, United States of America (“United States”), represented by Caesar Rivise, PC, United States.

The Respondent is 朱杰 朱杰 (Jie Zhu), China.

### 2. The Domain Name and Registrar

The disputed domain name <bgsdcoats.com> (the “Disputed Domain Name”) is registered with Cloud Yuqu LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 7, 2025. On March 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 11, 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 d/b/a BGSD CLOTHING SALE) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 12, 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 amended Complaint in English on March 17, 2025.

On March 12, 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 17, 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 together with the amended 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Andrew Sim as the sole panelist in this matter on April 15, 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 apparel retail company established in Pennsylvania, United States, and trades in the name of "Luxury Lane".

In connection with its business, the Complainant has used the name and mark BGSD since as early as 2005 to sell coats and jackets.

The Complainant is the owner of the following trademark consisting the wording "BGSD" (the "Mark"), with a United States trademark registration:

Jurisdiction	Mark	Registration Number	Registration Date	Class Covered
United States of America	BGSD	4383857	August 13, 2013	25

Based on the evidence submitted by the Complainant, the Mark is used on the Complainant's website located at "www.luxurylane.com" (the "Complainant's Website"), on product listings for Complainant's authentic products in the Complainant's Amazon Storefront and on the websites of major department store authorized retailers, such as Macy's and Kohls.

According to the Complainant's evidence, upon visiting the Disputed Domain Name, it resolves to a website (the "Respondent's Website") in English on which the Mark is prominently featured at the top middle. Besides, the Respondent's Website:

- (a) displays copyrighted photographs of the Complainant's products without the Complainant's permission;
- (b) uses the Complainant's logo featuring the Mark and the text "Est. 1990" on a beveled rectangle in the same manner as the Complainant's logo used on its Amazon Storefront;
- (c) includes the Mark in the names of the clothing apparel that it offers;
- (d) purports to sell the same type of goods – coats and jackets – as is sold by the Complainant under the BGSD brand; and
- (e) does not contain a statement which indicates the owner of the Respondent's Website, nor any disclaimer that informs Internet visitors that it is not affiliated or connected with the Complainant.

(collectively, the "Respondent's Acts").

The Disputed Domain Name was registered on October 21, 2023. Little information is known about the Respondent apart from the information provided by the Registrar, which covers the registrant's name, postal address, email address, telephone number and facsimile number.

## **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.

First, the Complainant contends that the Disputed Domain Name is identical or confusingly similar to the Mark. The Disputed Domain Name wholly incorporates the Mark. Besides, the addition of the term "coats" in the Disputed Domain Name does not negate a finding of confusing similarity because (a) the term "coats" only indicates the type of goods sold, and (b) the Mark is clearly recognizable in the Dispute Domain Name. Furthermore, actual confusion has occurred where a customer attempted to make a purchase from the Respondent, believing the Respondent to be the Complainant.

Secondly, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name for the reasons below:

- (a) the Complainant's use of the Mark precedes the Respondent's registration of the Disputed Domain Name by at least 10 years;
- (b) the Respondent is an individual who is not affiliated or connected with the Complainant;
- (c) the Respondent is not commonly known by any name including the Mark;
- (d) the Respondent's Acts show that the products offered by the Respondent on the Respondent's Website are not bona fide offerings; and
- (e) the Respondent uses the Disputed Domain Name with the illegitimate purpose to derive advantage from the Complainant's customers, including obtaining monetary gain from consumers who attempt to purchase from the Respondent believing it to be the Complainant.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith by reiterating the Respondent's Acts. The Complainant further submits that the Respondent's Acts, particularly stealing images of the Complainant's logo containing the Mark and photographs of the Complainant's products directly from the Complainant's Website and Complainant's Amazon Storefront, show that the Respondent is aware of the Mark and has deliberately registered the Disputed Domain Name, despite such awareness. The Complainant also submits that the Respondent has used the Disputed Domain Name to confuse customers as to the operator of the Respondent's Website, with a view to unfairly leveraging off the Complainant's brand.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. 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 as the Respondent's Website shows that the Respondent understands and operates its business in English. The Disputed Domain Name itself also contains the English word "coats". And previous proceedings involving the Registrar have been conducted in English numerous times.

The Respondent did not make any submissions with respect to the language of the proceeding. This is despite the fact that the Center has sent the notification of the Complaint which includes instructions on the language of the proceeding to the Respondent in both Chinese and English.

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.

## **6.2. Substantive Issues**

Paragraph 4(a) of the Policy states that, in an administrative proceeding, the Complainant must prove each of the following three elements:

- (a) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (b) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (c) the Disputed Domain Name has been registered and is being using in bad faith.

For the below reasons, support for the Complaint can be found due to the satisfaction of the three conditions for the Disputed Domain Name.

### **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, with an addition of the term "coats" after the Mark. Although the addition of other term here, "coats", 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.

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.

From the overall appearance of the Respondent’s Website as described in section 4 above, the Panel finds that the Respondent’s Website is used for illegitimate activities through attempted impersonation for the following reasons:

- (a) the Mark is reproduced on the Respondent’s Website in a prominent manner to give an impression of affiliation, but the Respondent has never been licensed or otherwise permitted to do so;
- (b) the Respondent infringes the Complainant’s copyright in reproducing the product photos from the Complainant’s Website and its Amazon Storefront to the Respondent’s Website; and
- (c) by naming the various coats and jackets on the Respondent’s Website with the same or similar names as those listed on the Complainant’s Website and its Amazon Storefront, together with the Respondent’s acts described in (a) and (b) above, the Respondent intends to create confusion to customers.

The Complainant has also submitted evidence showing that a customer purchased a coat from the Respondent’s Website because the customer believed that the Website is operated by the Complainant.

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

Particularly in regard to the three illustrative examples of legitimate interests in paragraph 4(c) of the Policy, the Panel finds that:

- (a) the Respondent has not used the Disputed Domain Name in connection with a bona fide offering of goods or services, as the Panel has ruled that the Respondent’s Website is being used for illegitimate activities through attempted impersonation;
- (b) the Disputed Domain Name does not correspond with the Respondent’s name (i.e., “朱杰 朱杰 (Jie Zhu)”), and there is no evidence of the Respondent operating any business or organization with similar name as the Disputed Domain Name; and
- (c) the Respondent’s use of the Disputed Domain Name does not fall within the scope of a legitimate noncommercial or fair use, as the Respondent’s Website is being used for illegitimate activities.

Furthermore, the composition of the Disputed Domain Name, comprising the entire Mark and the term “coats”, together with the content of the Respondent’s Website at the Disputed Domain Name, carries a risk of confusion among Internet users.

Based on the available record, 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.

The Panel finds that the circumstances of registering and using the Disputed Domain Name clearly demonstrate the Respondent's bad faith and have constituted the situation as specified in paragraph 4(b)(iv) of the Policy:

- (a) the Mark has been registered since 2013, more than 10 years before the Respondent's registration of the Disputed Domain Name which is confusingly similar to the Mark;
- (b) taking into account the Respondent's Acts, particularly the Respondent's reproduction of product photos from the Complainant's Website and its Amazon Storefront to the Respondent's Website, the Respondent is likely to have actual knowledge of the Mark at the time of the registration of the Disputed Domain Name;
- (c) the Respondent's Website targets the Complainant, with the Mark being included in the logo and the names of the coats and jackets offered on the Respondent's Website;
- (d) as found in section 6.2B above, the Respondent's Website is being used for illegitimate activities through attempted impersonation and thus the Respondent's bad faith is manifestly apparent. [WIPO Overview 3.0](#), section 3.4;
- (e) a presumption of bad faith is created from the fact that the Respondent, being an unaffiliated individual with the Complainant, registers the Disputed Domain Name which is almost identical with the Mark, without any possible justification, particularly noting the discussion in section 6.2B above. [WIPO Overview 3.0](#), section 3.1.4;
- (f) there is no reasonable connection or association between the Respondent and the Disputed Domain Name; and
- (g) as found in section 6.2B above, the risk of confusion arises from the composition of the Disputed Domain Name and the Respondent's Website and that there has been an actual case of customer confusion.

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 <bgsdcoats.com> be transferred to the Complainant.

*/Andrew Sim/*

**Andrew Sim**

Sole Panelist

Date: April 29, 2025