

## **ADMINISTRATIVE PANEL DECISION**

Hydrojug, Inc. v. Olivia Teng  
Case No. D2025-1206

### **1. The Parties**

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

The Respondent is Olivia Teng, China.

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

The disputed domain name <onehydrojug.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 24, 2025. On March 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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.

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 of the Complaint, and the proceedings commenced on March 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 22, 2025.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on May 5, 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 in the business of marketing water bottles, travel tumblers and related products under the trademark HYDROJUG. Among the several trademark registrations held by the Complainant for the HYDROJUG mark in the United States and China include:

United States trademark registration No. 5,414,493 for HYDROJUG mark for goods in class 21, registered on February 27, 2018.

United States trademark registration No. 5,870,021 for HYDROJUG for goods in class 21, registered on September 24, 2019.

China trademark registration CN Reg No. 56818340 for HYDROJUG for goods in class 21, registered on January 7, 2022.

The Respondent is located in China, and registered the disputed domain name on February 21, 2025. At the time of filing the present Complaint, the disputed domain name resolved to a website that copied and displayed a prior version of the Complainant's website landing page. The website also displayed the Complainant's trademark and logo on all the webpages, displayed copyright protected photographs and pictures of the Complainant's products and offered the Complainant's HYDROJUG-branded products for sale at discounted prices.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant contends that its trademark is widely used internationally and that it has established rights in the HYDROJUG mark. The Complainant states that the disputed domain name is confusingly similar to its mark and the additional term "one" prefixed with the mark does not prevent confusing similarity. The Complainant argues that the Respondent lacks rights or legitimate interests in the disputed domain name as the Respondent is not commonly known by the disputed domain name and is not making any legitimate, noncommercial or fair use of the disputed domain name.

The Complainant argues that the Respondent is intentionally misleading and attracting Internet users for commercial gain, as the Respondent's website displays copied content belonging to the Complainant, which amounts to mimicking and impersonation. It is further alleged by the Complainant that the Respondent's website is trying to sell counterfeit products by unauthorizedly using the Complainant's trademark, copyright protected photographs and pictures of the Complainant's products, which constitutes bad faith registration and use of the disputed domain name.

Notably, the Complainant maintains that it has prior rights in the mark since at least 2018. The disputed domain name was registered by the Respondent in February 2025, which is seven years after the Complainant's use of the mark in commerce.

The Complainant has cited other previous UDRP cases where its mark has been targeted and argues that the Respondent is connected with an organization or individuals engaged in counterfeiting activities. The cases cited by the Complainant include: *Hydrojug, Inc. v. Wei Jian Dong*, WIPO Case No. [D2025-0898](#) (<thehydrojug.com>), *Hydrojug, Inc. v. Wei Jian Dong*, WIPO Case No. [D2024-3386](#) (<buyhydrojug.com>) and *Hydrojug, Inc. v. Wei Jian Dong*, WIPO Case No. [D2024-3537](#) (<thehydrojugs.com>) among others.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant in these proceedings is required to establish three elements under paragraph 4 (a) of the Policy for transfer of the disputed domain name, these are:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The Respondent lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the Respondent.

### **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 provided evidence of its registered rights in the trademark. The Complainant has accordingly established rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name contains the HYDROJUG mark prefixed with the term "one". It is well established in UDRP cases, that where the trademark is recognizable in the disputed domain name, any additional terms or words does not prevent a finding of confusing similarity between the disputed domain name and the mark.

The mark is entirely reproduced within the disputed domain name. Although the addition of the term "one" may bear on assessment of the second and third elements, the Panel finds the addition of the 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 disputed domain name is confusingly similar to the mark for the purposes of the Policy. 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 Complainant has filed as evidence a screenshot from the Wayback machine, a prior version of its website landing page. Another screenshot of the Respondent's website is filed, which shows it is a copy of the Complainant's landing page (prior version). According to the Complainant, this is an attempt to mimic the Complainant's e-commerce site. The Complainant also avers that the Respondent's website displays its trademark logos, pictures of its products and photographs that are copyright protected and other proprietary content of the Complainant. Furthermore, the Complainant alleges that the products being offered on the Respondent's site are counterfeit HYDROJUG products.

The Panel finds on the basis of the evidence, that the use of the mark in the disputed domain name and the use of the Complainant's logo and other propriety content belonging to the Complainant on the Respondent's website, are with an intention to mislead Internet users, which is not bona fide use or fair use. The circumstances described do not indicate the Respondent's rights or legitimate interests in the disputed domain name. Panels have held that the use of a domain name for illegitimate activity such as impersonation and promoting counterfeit products and other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds from the material on record that the Respondent is not known by the disputed domain name or that the Respondent is engaged in any legitimate business with a business name corresponding to the disputed domain name. Neither is the disputed domain name being used in connection for any noncommercial purpose or for any fair use purposes.

In the light of the discussed circumstances, the Panel finds that 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 participated in these proceedings or provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

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 also 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.

- (i) Circumstances indicate that the respondent has registered or acquired the domain name primarily for purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) The respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) By using the disputed domain name, the respondent has intentionally attempted 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 website or location or of a product or service on the respondent's website or location.

Having reviewed the available evidence, the Panel finds that the material on record supports the Complainant's submissions that the Respondent has registered and used the disputed domain name in a manner described under paragraph 4(b) of the Policy. The Panel finds the evidence on record shows that the Complainant has used the HYDROJUG mark widely in commerce since the year 2018 and the mark is distinctive. If there are circumstances that show the Respondent ought to have known of the trademark, it is indicative of bad faith.

In the present case, the Panel notes that the evidence filed by the Complainant shows that the Complainant's trademark and logo and copyright protected images and photographs have been used on the Respondent's website. The use of Complainant's proprietary material indicates that the Respondent ought to have known of the Complainant's mark.

The Respondent has not merely composed a confusingly similar domain name but has used it to host a website that attempts to impersonate the Complainant's online business. This not only indicates the Respondent's awareness of the Complainant's mark and its products, but also indicates targeting the Complainant's mark with the bad faith intention of misleading Internet users.

The Respondent has used the mark to unfairly benefit from the confusing similarity between the mark and the disputed domain name and has also used materials on the website to imitate the Complainant's online business in a bid to misdirect users. Given the described circumstances, it is not likely that the Respondent registered the disputed domain name without intending to create an inferred association with the Complainant's known mark.

Panels have held that the use of a domain name for impersonation, sale of counterfeit goods or other types of fraud or illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the light of all that has been discussed, the Panel concludes that the circumstances discussed indicate that the registration and the use of the disputed domain name targets the Complainant's mark and attempts to impersonate the Complainant, which constitutes bad faith as understood under the Policy. [WIPO Overview 3.0](#), section 3.4.

The Panel finds the Respondent's registration and use of the disputed domain name is in bad faith as described under the Policy. 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 <onehydrojug.com> be transferred to the Complainant.

*/Harini Narayanswamy/*

**Harini Narayanswamy**

Sole Panelist

Date: May 19, 2025