

ADMINISTRATIVE PANEL DECISION

Tradehome Shoe Stores, Inc. v. Oded Kariti
Case No. D2025-1360

1. The Parties

Complainant is Tradehome Shoe Stores, Inc., United States of America (US), represented by Winthrop & Weinstine, P.A., United States of America.

Respondent is Oded Kariti, US.

2. The Domain Name and Registrar

The disputed domain name <buyrivalfootwear.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 3, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Owner of <buyrivalfootwear.com>) and contact information in the Complaint. The Center sent an email communication to Complainant on April 7, 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 the same day.

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 Respondent of the Complaint, and the proceedings commenced on April 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 1, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on May 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

Complainant is an American footwear retail company. Complainant owns a valid and subsisting registration for the RIVAL trademark in the US, specifically the trademark for RIVAL. (US Reg. No. 7,128,404), registered on August 1, 2023, with the earliest priority dating back to July 13, 2022.

Respondent registered the disputed domain name on September 6, 2024. At the time this Complaint was filed, the disputed domain name resolved to a website that purports to be owned by “Rival Retail Co.”, offers for sale “Rival Footwear Shoes”, and advertises “Rival Footwear Is Available With A 60% Discount!”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Complainant asserts ownership of the RIVAL trademark and has adduced evidence of trademark registration in the US, with earliest priority dating back to July 13, 2022. The disputed domain name is confusingly similar to Complainant’s RIVAL trademark, according to Complainant, because it “includes the RIVAL mark in its entirety in a phrase to promote and sell the RIVAL mark in connection with footwear” and generic words like “buy” and “footwear” are insufficient to prevent a finding of confusing similarity.

Complainant further asserts that Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any license or authorization between Complainant and Respondent; the lack of any evidence that Respondent is known by Complainant’s RIVAL trademark; Respondent’s use of the disputed domain name to divert Internet users to Respondent’s website, which ostensibly competes with Complainant; and Respondent’s use of the disputed domain name “to lure Internet users into its fake online shop for fraudulent purposes,” as evidenced by numerous complaints via email from consumers who attempted to purchase Complainant’s footwear products from Respondent’s website, mistakenly believing it was associated with Complaint, only to never receive their orders or incur unauthorized credit card charges.

Complainant argues that Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: (i) Respondent’s constructive knowledge of Complainant’s exclusive trademark rights based on its RIVAL trademark registration in the US; (ii) the similarity between Complainant’s official <myrivalshoes.com> domain name versus the <buyrivalfootwear.com> disputed domain name; (iii) Respondent “disrupts the business of another [...]”, see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) (finding that the passive holding of a domain that is confusingly similar to a well-known trademark is registration and use of a domain in bad faith) (citations omitted); (iv) Respondent’s use of the disputed domain name to divert Internet users to Respondent’s website, which ostensibly competes with Complainant; and (v) Respondent’s use of the disputed domain name “to lure Internet users into its fake online shop for fraudulent purposes,” as evidenced by numerous complaints via email from consumers who attempted to purchase Complainant’s footwear products from Respondent’s website, mistakenly believing it was associated with Complaint, only to never receive their orders or incur unauthorized credit card charges.

B. Respondent

Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

To succeed in its Complaint, Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. The disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights;
- ii 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.

Although Respondent did not reply to Complainant's contentions, the burden remains with Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. UDRP panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case, e.g. where a particular conclusion is *prima facie* obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 4.2 and 4.3; see also *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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 RIVAL. mark is 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 "buy" and "footwear" 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. In regards to generic Top-Level Domains, such as ".com" in the disputed domain name, they are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.1.

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 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 Respondent lacks rights or legitimate interests in the disputed domain name. Specifically, as discussed in greater detail below, Complainant alleged that Respondent has used the disputed domain name in connection with a fake web shop intended to defraud visitors. 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. Indeed, panels have held that the use of a domain name for illegal or illegitimate activity (here, claimed as fraud perpetrated through a fake web shop) 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

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that Respondent has registered or Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of Respondent's documented out of pocket costs directly related to the disputed domain name; or
- ii. Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- iii. Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the disputed domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Where parties are both located in the US and the complainant has obtained a federal trademark registration pre-dating a respondent's domain name registration, previous UDRP panels have applied the concept of constructive notice, subject to the strength or distinctiveness of the complainant's trademark, or circumstances that corroborate respondent's awareness of the complainant's trademark. [WIPO Overview 3.0](#), section 3.2.2. In this Panel's view, when the disputed domain name was registered on September 6, 2024, Respondent had constructive knowledge of Complainant's pre-existing rights in Complainant's RIVAL. trademark under US law. See e.g., *Champion Broadcasting System, Inc. v. Nokta Internet Technologies*, WIPO Case No. [D2006-0128](#) (Applying the principle of constructive notice where both parties were located in the US). Indeed, circumstances in this case corroborate Respondent's awareness of Complainant and Complainant's RIVAL. trademark, including Respondent's use of the disputed domain name in connection with Respondent's website that purports to be owned by "Rival Retail Co.", offers for sale "Rival Footwear Shoes", and advertises "Rival Footwear Is Available With A 60% Discount!"

Moreover, Complainant has submitted a credible argument that Respondent has used the disputed domain name for illegal purposes "to lure Internet users into its fake online shop," as evidenced by numerous complaints via email from consumers who attempted to purchase Complainant's footwear products from Respondent's website, mistakenly believing it was associated with Complaint, only to never receive their orders or incur unauthorized credit card charges. On the one hand, the Panel notes that none of the consumer emails proffered by Complainant specifically reference Respondent or Respondent's website. And Respondent's website appears to feature only standard character use of the RIVAL. trademark; it features a

unique RIVAL RETAIL CO. logo and the images on Respondent's website depict completely different shoes with no discernable logos as compared to Complainant's genuine footwear products. Nevertheless, in the absence of any Response, argumentation, or evidence from Respondent, the Panel accepts as credible Complainant's argument. To that end, the Panel notes that the conclusion Respondent's website is a fake web shop is further supported by limited Panel investigation¹ which confirmed: (i) Respondent's use of a proxy registration service to obfuscate its identity and contact information, which are similarly obfuscated through Respondent's "contact us" webform on its website; (ii) numerous "Coming Soon" empty pages on Respondent's website; (iii) Respondent's deep discount advertisements, up to sixty percent off retail prices; and (iv) the mixed conclusion of several free scam detector websites, like scam-detector.com, which describe Respondent's website as everything from "probably not a scam" to "untrustworthy", "risky" and "dangerous."

Panels have categorically held that registration and use of a domain name for illegal activity—including fake web shops and other types of fraud—is manifestly considered evidence of bad faith within paragraph 4(b)(iv) of the Policy. Accordingly, the Panel finds the third element of the Policy has been established.

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 <buyrivalfootwear.com> be transferred to Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: May 30, 2025

¹ A panel may undertake limited factual research into matters of public record where it considers such information useful to assessing the case merits and researching a decision. This includes visiting the website linked to the disputed domain name to obtain more information about the respondent or its use of the domain name, consulting historical resources like the Internet Archive, reviewing dictionaries, encyclopedias, or accessing trademark registration or other governmental databases. [WIPO Overview 3.0](#), Section 4.8.