

## **ADMINISTRATIVE PANEL DECISION**

Dansko, LLC v. Nadison Cherish  
Case No. D2025-1363

### **1. The Parties**

The Complainant is Dansko, LLC, United States of America (“United States”), represented by Cozen O’Connor, United States.

The Respondent is Nadison Cherish, United States.

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

The disputed domain name <dansko-online.com> (“Disputed Domain Name”) is registered with Gname.com Pte. Ltd. (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 April 7, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 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 on the same day.

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 of the Complaint, and the proceedings commenced on April 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 6, 2025.

The Center appointed Michael A. Albert 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

Since 1990, Complainant has sold footwear to customers around the world. Complainant's footwear includes boots, sandals, flats, and sneakers, as well as healthcare-focused footwear. Complainant has developed goodwill in its DANSKO® trademarks (some of which are listed below), through the use, advertisement, and promotion of such marks in connection with its footwear goods. Complainant has also protected its DANSKO® marks by filing for and obtaining trademark registrations in the United States Patent and Trademark Office. These registrations include, but are not limited to the following (the "DANSKO Marks"):

Mark	Reg. Date	Goods and Services
<b>DANSKO</b> RN: 2712957 SN: 76357037	May 6, 2003	(Int'l Class: 25) footwear, namely, casual outdoor shoes and work shoes for use in the health care, food service, equestrian, and general service industries
<b>DANSKO and Design</b> RN: 2712953 SN: 76356783	May 6, 2003	(Int'l Class: 25) footwear, namely, casual outdoor shoes and work shoes for use in the health care, food service, equestrian, and general service industries
<b>DANSKO</b> RN: 3265194 SN: 78974374	July 17, 2007	(Int'l Class: 25) footwear; component parts of footwear, namely, tips and heel pieces; and leather shoes and imitation leather shoes

The Disputed Domain Name was registered on March 27, 2025. The Disputed Domain Name previously directed to a website that sold clothing goods.

#### 5. Parties' Contentions

Complainant contends that Respondent's adoption and use of the Disputed Domain Name is in bad faith and is in willful infringement of Complainant's prior rights. Respondent did not file a response.

##### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Specifically, Complainant contends that the Disputed Domain Name is confusingly similar to the DANSKO Marks in which Complainant has established rights. The Disputed Domain Name is virtually identical to Complainant's DANSKO Marks apart from the descriptive term "online", which does nothing to distinguish the Disputed Domain Name from Complainant's DANSKO Marks, and in fact increases the likelihood of confusion, as it indicates it is an online place to shop for Complainant's goods. Such a descriptive term in the Disputed Domain Name does not eliminate the confusing similarity with Complainant's DANSKO Marks.

Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Respondent is not affiliated with Complainant, and there is no evidence to suggest that Respondent has registered the Disputed Domain Name to advance legitimate interests for the bona fide offering of legitimate goods or services.

Respondent's adoption and use of the Disputed Domain Name is in bad faith and is in willful infringement of Complainant's prior rights. Respondent has attempted to take commercial advantage of Complainant's trademarks and commercial reputation and to trade off Complainant's goodwill. It is likely that Respondent plans to use the Disputed Domain Name in attempts to fraudulently obtain personally identifiable information from individuals believing that the Disputed Domain Name is actually related to Complainant.

## **B. Respondent**

Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

### **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 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.

Here, 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. Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of the term "-online" does not prevent a finding of confusing similarity between the Disputed Domain Name and the DANSKO Marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that Complainant has established the first element of the Policy.

### **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 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

Respondent fails to rebut Complainant's prima facie case.

It is clear from Respondent's use of the DANSKO Marks with the descriptive term "online" in the Disputed Domain Name that the Disputed Domain Name is intended to relate directly to Complainant's marks, suggesting to consumers where they can buy Complainant's products.

Accordingly, Respondent's use of the Disputed Domain Name to suggest that it is a genuine or authorized source of Complainant's goods does not constitute a bona fide offering of goods or services that could establish any rights or legitimate interests in the Disputed Domain Name.

The Panel finds that Complainant has established the second element of the Policy.

### **C. Registered and Used in Bad Faith**

For 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.

Here, it appears clear from the record that Respondent registered the Disputed Domain Name with the intention of trading off of Complainant's goodwill in its DANSKO Marks and confusing consumers into believing that Respondent's Disputed Domain Name is affiliated or associated with Complainant when that is not the case.

Panels have further held that the use of a domain name for illegitimate activity – here, as claimed, impersonation or passing off as the genuine source of trademarked goods, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <dansko-online.com> be transferred to the Complainant.

*/Michael A. Albert/*

**Michael A. Albert**

Sole Panelist

Date: May 14, 2025