

ADMINISTRATIVE PANEL DECISION

The Gym King Limited v. Ellie Shepherd, Patrick Hanson, Sean Harvey, Nicholas Hughes, Dominic Harris, Ben Jordan, Kieran Gardiner, Gracie Begum, Faith Smith, Freddie Crawford, Jessica Chambers, and Finley Ryan
Case No. D2025-1370

1. The Parties

The Complainant is The Gym King Limited, United Kingdom, represented by Appleyard Lees IP LLP, United Kingdom.

The Respondents are Ellie Shepherd, Belgium; Patrick Hanson, Belgium; Sean Harvey, Belgium; Nicholas Hughes, Belgium; Dominic Harris, Belgium; Ben Jordan, Belgium; Kieran Gardiner, Belgium; Gracie Begum, Belgium; Faith Smith, Belgium; Freddie Crawford, Belgium; Jessica Chambers, Belgium; and Finley Ryan, Belgium.

2. The Domain Names and Registrar

The disputed domain names <gymkingcanada.com>, <gymkingclothingjp.com>, <gymkingespaña.com> (<xn--gymkingespa-a-khb.com>), <gymkingireland.com>, <gymkingjoggershungary.com>, <gymkingnederland.com>, <gymkingromania.com>, <gymkingropachile.com>, <gymkingsalebelgique.com>, <gymkingsaledk.com>, <gymkingsalesuomi.com>, and <gymkingsaleuae.com> are registered with Paknic (Private) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 2, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 9, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (“Redacted for privacy”) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 9, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint on April 14, 2025.

The Center verified that the Complaint and 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 Respondents of the Complaint, and the proceedings commenced on April 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on May 8, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on May 19, 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 in this administrative proceeding is a private limited company incorporated in the United Kingdom that carries an international business in respect of a variety of athleisure goods and services.

The Complainant has significant social media followings including 339,000 followers under the Instagram handle “gymking”, 205,000 followers under the Instagram handle “gymkingwomen”, 176,000 followers on Facebook and 11,800 followers on TikTok.

The Complainant is among others owner of the International Trademark Registration No. 1529027 GYM KING registered on March 17, 2020.

The Complainant principally operates via its website “www.thegymking.com”, with the corresponding domain name being registered since May 21, 2014.

The disputed domain names <gymkingcanada.com>, <gymkingclothingjp.com>, <gymkingireland.com>, <gymkingjoggershungary.com>, <gymkingnederland.com>, <gymkingromania.com>, <gymkingropachile.com>, <gymkingsalebelgique.com>, <gymkingsaledk.com>, <gymkingsalesuomi.com>, and <gymkingsaleuae.com> were registered on June 27, 2023.

The disputed domain name <gymkingespaña.com> connected to the ACE encoding <xn--gymkingespaa-khb.com> was registered on June 28, 2023.

The disputed domain names <gymkingcanada.com>, <gymkingclothingjp.com>, <gymkingireland.com>, <gymkingjoggershungary.com>, <gymkingnederland.com>, <gymkingromania.com>, <gymkingropachile.com>, <gymkingsalebelgique.com>, <gymkingsaledk.com>, <gymkingsalesuomi.com>, and <gymkingespaña.com> (<xn--gymkingespaa-khb.com>) have been resolving to websites mimicking the Complainant’s official website, prominently displaying its trademark, as well as the Complainant’s copyrighted photos and products images copied from the Complainant’s website.

The disputed domain name <gymkingsaleuae.com> has been pointing to a parking page with pay-per-click (“PPC”) links to third party websites. Currently the disputed domain name <gymkingireland.com> also points to a parking page with PPC links to third party websites.

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 names.

Notably, the Complainant contends that:

- the disputed domain names that incorporate its GYM KING trademark with the addition of various terms (such as "Canada", "jp", "Belgique", "joggers", "Hungary", "sale", "UAE" etc.) are confusingly similar to its trademark;
- the Respondents have no rights or legitimate interests in respect of the disputed domain names since they are unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;
- due to the pattern in composition of the disputed domain names and their use, it is difficult to imagine that the Respondents did not have the Complainant's trademark in mind when registering the disputed domain names;
- Apart from the disputed domain name <gymkingsaleuae.com>, the websites at the remaining disputed domain names imply that the Complainant owns the disputed domain names and operates the corresponding websites and that the goods offered for sale are legitimate; and
- Apart from the disputed domain name <gymkingsaleuae.com>, the websites at the remaining disputed domain names have been primarily used for phishing of data as there are a number of places (on the checkout page and on the "Contact us" section of the websites) which prompt users to insert their personal information.

The Complainant requests that the disputed domain names be transferred from the Respondents to the Complainant.

B. Respondents

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

6.1. Preliminary Matter - Consolidation: Multiple Respondents

The amended Complaint was filed in relation to 12 domain names registered by 12 different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or that the disputed domain names are under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that:

- the disputed domain names were registered on the same day (June 27, 2023) with the exception of the disputed domain name <gymkingespaña.com> (<xn--gymkingespaa-khb.com>), which was registered one day later, on June 28, 2023;
- the disputed domain names were registered with the same Registrar;
- the addresses of the Respondents are in the same city (Bruges, Belgium);
- the Respondents used the same pattern of the email addresses, i.e. [first name+last name+numbers]@awzmail.com when registering the disputed domain names;
- the Respondents all target the Complainant and its trademark and the structure of the disputed domain names (the Complainant's trademark + country name or code and/or descriptive term) is identical or highly similar; and
- 11 out of 12 disputed domain names resolve to highly similar websites, mimicking the Complainant's website by using the Complainant's trademark, products images and photos.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2. Substantive Matters

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 names. [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 disputed domain names contain the Complainant's GYM KING trademark in full with the addition of various terms ("canada", "clothing", "jp", "españa", "ireland", "joggers", "hungary", "nederland", "romania", "ropa" meaning clothing is Spanish, "chile", "sale", "belgique", "dk", "suomi" meaning Finland in Finnish, "uae") which does not prevent a finding of confusing similarity between the disputed domain names and the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

The Panel finds that 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 names. 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 names such as those enumerated in the Policy or otherwise.

The Complainant has submitted sufficient and uncontested evidence that it holds well-established prior rights in the GYM KING trademark and that it had never authorized the Respondent to use the trademark in the disputed domain names or otherwise.

The evidence submitted by the Complainant shows that the Respondent has been using the 11 disputed domain names to confuse Internet users presumably looking for the Complainant by directing them to its own websites that closely resemble the Complainant’s official website, prominently display the Complainant’s trademark, as well as the Complainant’s copyrighted photos and products images copied from the Complainant’s website. The websites at the 11 disputed domain names also display copyright notices which may create false impression that the websites belong to the Complainant.

These facts, and in particular the misleading copyright notices on the websites connected to the disputed domain names makes it clear that the Respondent’s intent was to impersonate the Complainant and to unduly profit from the goodwill attached to the Complainant’s trademark. Panels have held that the use of a domain name for illegal activity, here impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The evidence submitted by the Complainant also shows that the disputed domain name <gymkingsaleuae.com> resolves to a parking page with PPC links to third party websites, which does not represent a bona fide offering of goods or services since it trades on reputation and goodwill associated with the Complainant and its trademark. [WIPO Overview 3.0](#), section 2.9.

The Panel finds that 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.

The pattern in composition of the disputed domain names and their use as mentioned above strongly suggest that the Respondent registered the disputed domain names with the Complainant and its trademark in mind and with intent to misuse and derive commercial gain from reputation of the Complainant’s business and trademark.

The Respondent's intent to target the Complainant and its trademark can be readily inferred from the Respondent's impersonation of the Complainant. Visitors of the Respondent's web pages at the 11 disputed domain names may have reasonably believed that the contents at the disputed domain names are official, while that is clearly not the case. Panels have held that the use of a domain name for illegal activity, in this case impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The use of the disputed domain name <gymkingsaleuae.com> for a website that displays PPC links falls within the scope of paragraph 4(b)(iv) of the Policy, since Internet users are likely to be drawn to the PPC webpage resulting from the confusing similarity between this disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 3.5.

In addition, the Panel notes the Complainant contends that the Respondent utilized false contact information (e.g. one phone number of the Respondent belonging to a restaurant) in registering the disputed domain names under various pseudonyms. The Respondent has not replied to these allegations. According to previous panel decisions providing false contact information is in itself seen as indication of bad faith. [WIPO Overview 3.0](#), section 3.6.

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 names <gymkingcanada.com>, <gymkingclothingjp.com>, <gymkingespaña.com> (<xn--gymkingespaa-khb.com>), <gymkingireland.com>, <gymkingjoggershungary.com>, <gymkingnederland.com>, <gymkingromania.com>, <gymkingropachile.com>, <gymkingsalebelgique.com>, <gymkingsaledk.com>, <gymkingsalesuomi.com>, and <gymkingsaleuae.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: May 29, 2025