

ADMINISTRATIVE PANEL DECISION

TPWC, Inc. v. Idah Idah
Case No. D2025-1446

1. The Parties

The Complainant is TPWC, Inc., United States of America (“United States”), represented by Seyfarth Shaw LLP, United States.

The Respondent is Idah Idah, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <theprisonerwinecompany.com> and <theprisonorwinecompany.com> are registered with Key-Systems GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2025. On April 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 15, 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 Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 15, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

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 April 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 16, 2025.

The Center appointed Theda König Horowicz as the sole panelist in this matter on May 28, 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 based in California, United States, and is active in the wine sector. It operates a website and a web shop under the domain name <theprisonerwinecompany.com> where it promotes goods and services, such as wine tasting.

The Complainant is the registered owner of United States Trademark Registration No. 6,064,267, registered on May 26, 2020, in class 43 for THE PRISONER WINE COMPANY (word mark).

The disputed domain names were registered on December 27, 2024, and redirect to the Complainant's official website at "www.theprisonerwinecompany.com".

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 it holds trademark rights in THE PRISONER WINE COMPANY which is registered and used inter alia for bar services, catering services, wine bars etc. The disputed domain names are identical to the Complainant's trademark, except for a slight misspelling in the word "prisoner". In the disputed domain name <theprisenerwinecompany.com> the letter "o" is replaced by an "e", and in the disputed domain name <theprisonorwinecompany.com> the second letter "e" is replaced by the letter "o", which amounts to typosquatting and which cannot prevent a finding of confusing similarity.

Furthermore, the Complainant states that it has not authorized the Respondent to use its THE PRISONER WINE COMPANY trademark. The Respondent is attempting to confuse and improperly redirect consumers that mistype the Complainant's legitimate domain name. The disputed domain names redirect to the Complainant's official website through the URL "ww2.newfastresult.com" which does not appear to resolve to a website, which indicates that, it might be a scam website. To the best of Complainant's knowledge, the Respondent is not known by the disputed domain names.

Finally, the Complainant states that the disputed domain names were registered over four years after the registration of the Complainant's trademark which highlights the Respondent's bad faith. The redirection of the disputed domain names to the Complainant's website along with the misspelling in the disputed domain names are indications that they were registered and are being used in bad faith to intentionally attract and misdirect the Complainant's consumers to a malicious website.

B. Respondent

The 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 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 shown rights in respect of the trademark THE PRISONER WINE COMPANY for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Indeed, the only difference is that the word "prisoner" is misspelled in the disputed domain names. In the disputed domain name <theprisenerwinecompany.com> the letter "o" is replaced by an "e", and in the disputed domain name <thepriisorwinecompany.com> the second letter "e" is replaced by the letter "o". This misspelling does not change the fact that the Complainant's trademark is recognizable within disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7. and 1.9.

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.

Moreover, the Panel notes that the disputed domain names consist of a common, obvious, or intentional misspelling of the Complainant's registered trademark, and that the disputed domain names redirected without authorization to the Complainant's official website. The Respondent also adopted the exact same structure of the trademark in the disputed domain names. In this frame, it is to be noted that the Complainant's trademark is original and distinctive. Indeed, the combination of "prisoner", "wine", and "company" for bar and restaurant services is not common. It is difficult to imagine that the Respondent would have chosen the disputed domain names coincidentally and for a legitimate purpose.

Given the circumstances of the case and due to the default of the Respondent in these proceedings, who had the opportunity to present his case but chose not to, 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.

In the present case, the Panel notes that the Respondent obviously knew about the Complainant's as he chose to redirect the disputed domain names to the Complainant's official website.

Furthermore, the case file shows that several factors provide indications as to bad faith use by the Respondent, in particular the composition of the disputed domain names which copy and misspell the Complainant's trademark which remains however clearly recognizable.

Another factor is that the disputed domain names redirected without authorization to the Complainant's website, thus giving the wrong impression to Internet users that the parties are affiliated. The registration of the disputed domain names and their redirection to the Complainant's official website is a pretext for cybersquatting. Indeed, a quick search in the public records of the Center shows that the Respondent appears to have registered many other domain names containing trademarks owned by third parties and is thus a serial domain name squatter.

Finally, the Panel notes that the registration of the disputed domain names was made by proxy, that the information given to the Registrar (name of the registrant, address, emails etc.) does not seem genuine and that the Respondent decided not to participate in these proceedings. Given the circumstances, these are also indications of bad faith registration and use of the disputed domain names by the Respondent.

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 <theprisenerwinecompany.com>, and <theprisonorwinecompany.com> be transferred to the Complainant.

/Theda König Horowicz/

Theda König Horowicz

Sole Panelist

Date: June 16, 2025