

ADMINISTRATIVE PANEL DECISION

Xingming Cai v. WENHAI ZHANG, HONG KONG 1K CLOUD TRADING CO., LIMITED

Case No. D2025-1450

1. The Parties

The Complainant is Xingming Cai, China, represented by Evia Law PLC, United States of America (the “United States”).

The Respondent is WENHAI ZHANG, HONG KONG 1K CLOUD TRADING CO., LIMITED, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <cozyplayer.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2025. On April 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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 (JOHN DOE) 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 amendment to the Complaint on April 14, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on April 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2025. The Respondent sent several email communications to the Center on April 16, 2025, and on May 7, 2025.

The Center appointed James Wang as the sole panelist in this matter on May 16, 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 uses the COZYPLAYER trademark as the name of its store on Amazon, where it sells pillows. The COZYPLAYER trademark is prominently displayed on the store and in connection with the sale of pillows, including the packaging for the pillows.

The Complainant is the current registrant of the United States trademark registration No. 6017024 COZYPLAYER, which was registered on March 24, 2020.

The disputed domain name was registered on November 1, 2023, and resolved to a website purportedly offering to sell pillows and inviting viewers to enter their email address and “subscribe to get special offers.”

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 name.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered and is being used in bad faith.

The Complainant requested that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent did not submit a formal response to the Complainant’s contentions, but sent several English emails to the Center.

In the Respondent’s emails, the Respondent contends that the Complainant has not satisfied the elements required under the Policy and requests the Panel to dismiss the case. The Respondent also mentions that the Respondent can transfer the disputed domain name and requests to discuss with the Complainant about the conditions for the transfer.

The Respondent also argues that the registration agreement is in Chinese and requests that the proceedings be conducted in Chinese.

6. Discussion and Findings

6.1 Language of the Proceeding

Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

According to the verification information provided by the Registrar, the language of the registration agreement is English. Also given the fact that the emails that the Respondent sent to the Center were in English, indicating that the Respondent is capable of communicating in English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Elements

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the 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.

A. Identical or Confusingly Similar

The Complainant has provided evidence that it is the current registrant of the COZYPLAYER trademark registered in the United States.

The applicable Top-Level Domain (“TLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Therefore, the TLD “.com” of the disputed domain name, shall be disregarded under the confusing similarity test in this case. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.11.1.

The disputed domain name incorporates the entirety of the Complainant’s COZYPLAYER trademark. As the COZYPLAYER trademark is recognizable within the disputed domain name, the disputed domain name is identical to the Complainant’s trademark. See [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name resolved to a website purportedly offering to sell pillows. There is no evidence that the Respondent has been authorized to use the Complainant’s COZYPLAYER trademark or has been commonly known by the disputed domain name.

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests, and the Respondent failed to sufficiently rebut this prima facie case. The Respondent claims that the disputed domain name has been used to host “an active AI community platform” and provided a screen capture of a simple home page with the heading “AI HAS BEEN A COZY PLAYER IN THE 21TH CENTURY. FIND OUT MORE”. However, the Respondent did not explain or otherwise comment on the

evidenced use in the Complaint of a website purportedly offering to sell pillows under the COZYPLAYER trademark. The Panel notes that the content of the website appears to have changed after the notification of the Complaint and that the “FIND OUT MORE” button on the current website merely redirects users to a well-known, third-party AI tool. In these circumstances, the Panel considers it more likely than not that the alleged use in the Response is pretextual or fictitious, and accordingly does not support a finding of rights or legitimate interests for the purposes of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The disputed domain name was registered more than three years after the registration of the Complainant’s COZYPLAYER in the United States. Given the distinctiveness of the Complainant’s COZYPLAYER trademark in association with pillows and the Respondent’s use of the disputed domain name, it would be inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant’s trademark at the time of the registration. The Panel finds that the disputed domain name was registered in bad faith.

The Panel noticed that the disputed domain name resolved to a website purportedly offering to sell pillows and inviting viewers to enter their email address and “subscribe to get special offers”, which indicates that the Respondent had an intent to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark. Such conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy. In these circumstances, the Respondent’s change of use to an apparently pretextual website after notice of the dispute further supports a finding of bad faith.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel therefore 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 name <cozyplayer.com> be transferred to the Complainant.

/James Wang/

James Wang

Sole Panelist

Date: May 30, 2025