

ADMINISTRATIVE PANEL DECISION

Oats Overnight, Inc. v. xiao qi, Cynthia Parker and d's'da's'da's'd dasd
Case No. D2025-1533

1. The Parties

The Complainant is Oats Overnight, Inc., United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondents are xiao qi, United States, Cynthia Parker, United States, and d's'da's'da's'd dasd, Armenia.

2. The Domain Names and Registrar

The disputed domain names <oatsovernightshop.com>, <oatsovernights.shop> and <oatsovernighttop.shop> are registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 15, 2025. On April 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 16, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondents are listed as the registrants and providing the contact details. The Center sent an email communication to the Complainant on April 17, 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 Respondents of the Complaint, and the proceedings commenced on May 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on June 3, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on June 12, 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 has supplied oatmeal products under the mark OATS OVERNIGHT since 2016. The Complainant has some 2.4 million customers, and over 450,000 followers on Instagram.

The Complainant owns a number of registered trade marks for OATS OVER NIGHT and OATS OVERNIGHT including United States trade mark No. 6104720 for OATS OVER NIGHT, registered on July 21, 2020, in class 35.

The Complainant operates a website at “www.oatsovernight.com”.

The disputed domain names were registered on the following dates:

<oatsovernighttop.shop>: November 28, 2024

<oatsovernightshop.com>: January 16, 2025

<oatsovernights.shop>: February 24, 2025

The Respondents are collectively referred to hereafter as “the Respondent”, unless it is necessary to refer to them separately.

As of March 20, 2025, the disputed domain names <oatsovernighttop.shop> and <oatsovernightshop.com> resolved to websites that were branded with the Complainant’s OATS OVER NIGHT logo¹ and purported to offer the Complainant’s products for sale, including by use of the Complainant’s copyrighted images of its products.

There is no evidence or indication that the Respondent has used the disputed domain name <oatsovernights.shop> for an active website. On April 9, 2025, this domain name was listed for sale on GoDaddy for USD 119.99.

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.

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

¹ In the case of <oatsovernighttop.shop>, the Complainant’s logo featured in large font on a prominent image of the Complainant’s product at the top of the homepage.

6. Discussion and Findings

6.1 Preliminary Issue

Consolidation: Multiple Respondents

The Panel is satisfied that the disputed domain names are subject to common control, this not having been denied in the Response, and that, in the circumstances, consolidation is fair and equitable to all parties, and also procedurally efficient. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.11.2.

In particular, the Panel notes that : (1) two of the disputed domain names, <oatsovernightshop.com> and <oatsovernighttop.shop>, resolved to similar websites, effectively impersonating the Complainant and purporting to offer the Complainant's products for sale; (2) the disputed domain names were registered through the same Registrar; (3) the disputed domain names are similar in structure, involving different combinations of the Complainant's OATS OVER NIGHT trademark and the word “shop”; (4) two of the disputed domain names, <oatsovernighttop.shop> and <oatsovernights.shop>, have the same DNS provider, Cloudflare; and (5) demonstrably false registration information was used for the disputed domain names <oatsovernighttop.shop> (a non-existent address) and <oatsovernights.shop> (a nonsensical registrant name).

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants in a single proceeding.

6.2 Substantive Issues

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognisable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “top”, “shop” and the letter “s”), 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Furthermore, as regards the disputed domain name <oatsovernights.shop>, a domain name that consists of a common, obvious, or intentional misspelling of a trade mark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 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 recognised 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.

As to paragraph 4(c)(i) of the Policy, if (which is not clear) the Respondent is actually using the disputed domain names <oatsovernighttop.shop> and <oatsovernightshop.com> to resell the Complainant’s own goods, the consensus view of UDRP panels is that to establish a bona fide offering of goods or services in such circumstances, a respondent must comply with certain conditions (the “Oki Data requirements”, see *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). In this case, the Panel considers that the Respondent has failed to comply with the Oki Data requirement to accurately and prominently disclose the Respondent’s relationship with the trade mark holder. See further under section 6.2 C below.

If the Respondent is not reselling the Complainant’s goods, as further discussed in section 6.2 C below, the Panel in any case considers that the Respondent has used the disputed domain names <oatsovernighttop.shop> and <oatsovernightshop.com> to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant’s goods, likely for some illicit purpose such as phishing. Such use of the disputed domain names could not be said to be bona fide.

There is no evidence that the disputed domain name <oatsovernights.shop> is being, or ever has been, used for an active website, let alone for a bona fide offering of goods or services.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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.

In the present case, the Panel considers that the Respondent has intentionally attempted to attract Internet users to its websites at the disputed domain names <oatsovernighttop.shop> and <oatsovernightshop.com> for commercial gain by creating a likelihood of confusion with the Complainant’s trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Not only do the disputed domain names <oatsovernighttop.shop> and <oatsovernightshop.com> reflect the Complainant’s distinctive mark, but the Respondent has used them for websites that effectively impersonate the Complainant including by prominent use of the Complainant’s mark/logo as well as by unauthorised use of the Complainant’s copyrighted product images and the lack of any prominent disclaimer.

In these circumstances, it is reasonable to infer that the Respondent was intent on commercial gain, whether from resale of the Complainant's products, or from phishing or some other illicit purpose.

As regards the disputed domain name <oatsovernights.shop>, 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 Panel's view, it is likely that the disputed domain name <oatsovernights.shop> was registered as part of a bad faith pattern with the other disputed domain names. While there is no evidence that the Respondent has actively used the disputed domain name <oatsovernights.shop>, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the record, the Panel considers that the following circumstances are indicative of passive holding of the disputed domain name <oatsovernights.shop> in bad faith:

1. the fame of the Complainant's mark;
2. the fact that the disputed domain name <oatsovernights.shop> constitutes typo-squatting;
3. its association with the other two disputed domain names;
4. the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use;
5. the Respondent's use of false contact details (in breach of its registration agreement); and
6. the implausibility of any good faith use to which the disputed domain name <oatsovernights.shop> may be put.

The Panel finds that 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 names <oatsovernights.shop>, <oatsovernights.shop> and <oatsovernights.shop> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: June 26, 2025