

ADMINISTRATIVE PANEL DECISION

Dynamic Solutions Worldwide, LLC v. 朱杰 (zhu jie)
Case No. D2025-1577

1. The Parties

The Complainant is Dynamic Solutions Worldwide, LLC, United States of America (“United States” or “U.S”), represented by Barley Snyder LLC, United States.

The Respondent is 朱杰 (zhu jie), China.

2. The Domain Name and Registrar

The disputed domain name <dynatrapshop.com> is registered with Xiamen 35.com Information Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 17, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 23, 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 25, 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 in English on May 1, 2025, and May 2, 2025.

On April 25, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On May 2, 2025, the Complainant submitted a second amended Complaint requesting that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended Complaints 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 in Chinese and English of the Complaint, and the proceedings commenced on May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on June 5, 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 a producer of insect traps, who has used its trademark in the United States in connection with its products since 2006. It has sales in more than 20 online stores in the U.S., Canada, Mexico, Central America, Caribbean, South America, & Bahamas, including famous stores like Amazon, Costco and Sam's.

The complainant owns a portfolio of trademarks containing the term "Dynatrap" globally, including the following: United States Registration No. 3295437 for DYNATRAP, registered on September 18, 2007; Canada Trademark Registration No. TMA864199 for DYNATRAP, registered on November 1, 2013, and European Union Trademark Registration No. 17760828 for DYNATRAP, registered on July 3, 2018.

The Complainant also uses the domain name incorporating its mark DYNATRAP for its official website, namely "www.dynatrap.com".

The disputed domain name was registered on June 16, 2024. At the time of filing of the Complaint, the disputed domain name resolved to a website prominently displaying the Complainant's trademark logo using similar font, layout and color design, as well as images of the Complainant's branded products arranged in similar ways as those displayed on the Complainant's official website. The bottom of the website uses the Complainant's trademark as a heading, with introduction about "our innovative insect traps", and there was a banner of "©2024 DynaTrap" at bottom of the page. On the date of issuing this Decision, the website is active, and products of the Complainant were purportedly offered under its trademark, at substantially discounted prices. The "about us" webpage of the website uses prominent display of the Complainant's logo on top of the page, stating that it is a "wholesaler". There was no disclaimer about the Respondent's (lack of) relationship with the Complainant.

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.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. 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.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that: (1) the disputed domain name is in English language; and (2) The webpage contents associated with the disputed domain name are in English and clearly targeted to English-speaking consumers.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the Proceeding through the email of Notification of Complaint. The Respondent did not make any specific submissions with respect to the language of the proceeding, nor did the Respondent file any Response in Chinese or English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 trademark and the disputed domain name. [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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is 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, "shop", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Panel notes that the composition of the disputed domain name itself carries a risk of implied affiliation with the Complainant because the disputed domain name consists of the Complainant's mark plus a term "shop", which is descriptive about general sale services which the Complainant is also involved in. Where a domain name consists of a trademark plus an additional term, panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. The available record shows that the Respondent is not affiliated or otherwise authorized by the Complainant or held any registration of the DYNATRAP mark anywhere. There is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The disputed domain name resolves to a website prominently displaying the Complainant's trademark using exactly the same logo design, as well as images of the Complainant's branded products arranged in similar ways as those displayed on the Complainant's official website, without any consent or approval. The website also used the Complainant's trademark as heading of an introduction paragraph, claiming relevant products as "our innovative insect traps". While the "about us" page of the website states that it is a "wholesaler", the website prominently displays the Complainant's trademark logo on top of the page together with a banner of "©2024 DynaTrap" at bottom of the page. There is no disclaimer clarifying the Respondent's (lack of) relationship with the Complainant. The overall circumstances indicate the Respondent's attempt to impersonate the Complainant.

Furthermore, panels have held that the use of a domain name for illegal activity, here claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 notes that the Respondent has used without any license or authorization the Complainant's trademark in full in the disputed domain name, plus a term which is descriptive about general sale services. The Complainant's trademark DYNATRAP is highly distinctive and widely used in multiple countries, and the Complainant's registration and use of its mark much predates the Respondent's registration of the disputed domain name. Moreover, the disputed domain name is confusingly similar to the Complainant's domain name <dynatrap.com>. This signals the Respondent's intention to impersonate the Complainant and trade off its distinctive mark. Thus, the Panel considers that the Respondent knew the Complainant's mark at the time of registering the disputed domain name. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

Further, considering the use of the disputed domain name, combined with the composition of the disputed domain name analyzed in Section 6.2B above, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The disputed domain name was thus registered and is being used in bad faith, according to paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 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 <dynatrapshop.com> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: June 19, 2025