

ADMINISTRATIVE PANEL DECISION

Chaoyue Lou v. Ke Pham
Case No. D2025-1644

1. The Parties

The Complainant is Chaoyue Lou dba Hella Coloring, United States of America (“United States”), self-represented.

The Respondent is Ke Pham, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <hellacoloring.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 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 April 28, 2025.

The Center verified that the Complaint together with 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 Respondent of the Complaint, and the proceedings commenced on May 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 4, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on June 10, 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

Since November 2024, the Complainant has supplied colouring books under the mark HELLA COLORING. Between November 2024 and February 2025, the Complainant released 11 books under that brand on Amazon, with sales of over 21,000 units.

The disputed domain name was registered on February 24, 2025.

On April 16, 2025, Hella Coloring, LLC, the Complainant's wholly owned company, applied under Serial No. 99140700 for a United States trade mark for HELLA COLORING in class 16.

The Respondent used the disputed domain name to resolve to a website branded with the Complainant's logo, and which included copies of the Complainant's book covers plus non-functioning "Buy Now" buttons.

Between February 27, 2025, and March 21, 2025, the Complainant received notifications from Amazon of the filing of eight takedown notices in respect of the Complainant's books that had been filed with Amazon using the email address "[...]"@hellacoloring.com". Amazon removed the books in response to the notices, but later reinstated them following the supply of supporting evidence by the Complainant.

On March 24, 2025, the Respondent emailed the Complainant from "[...]"@hellacoloring.com" stating:

"[...] I'm reaching out as the current owner of the domain hellacoloring.com and I'd like to discuss an opportunity to quickly resolve the recent disruptions affecting your Amazon store.

As you might have noticed, not only your Stoner Moments Coloring Book but also most of your other publications have been taken down from Amazon. I'm aware that this situation is significantly impacting your business, especially considering the strong performance and popularity of your books.

To be completely transparent, my initial intention was simply to highlight the importance of securing the domain associated with your author name - hellacoloring.com. I recognize you've already filed a trademark for 'HellaColoring,' which has been pending since March 4, 2025. However, trademarks alone often cannot prevent issues arising from not owning the matching domain name.

I'd like to propose a straightforward solution: I'm willing to sell you the domain hellacoloring.com, currently listed securely on Namecheap.com. Upon completing this transfer, I'll immediately withdraw all outstanding complaints, ensuring your books can return swiftly to Amazon without any further interruptions.

Considering both the immediate impact and long-term stability of your brand, I believe this would be a prudent decision.

If you have any questions or would like to discuss this further, please don't hesitate to reach out. I'm committed to resolving this quickly and smoothly for both parties."

The Respondent listed the disputed domain name for sale on Namecheap for a price of USD 14,999.

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

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Panel finds the Complainant has established unregistered trade mark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. Amongst other things, the Complainant has produced evidence of extensive sales activity on Amazon since November 2024.

If, and to the extent that, any unregistered rights are owned by the Complainant's wholly-owned company, Hella Coloring, LLC, in the circumstances of this case, the Panel finds that the Complainant should be considered as possessing such rights for the purpose of standing to file the Complaint. [WIPO Overview 3.0](#), section 1.4.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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.

Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. See further under the third element below.

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

C. Registered and Used 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.

Panels have held that the use of a domain name for illegitimate activity, here claimed impersonation/passing off or other types of fraud, 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 a clear case of bad faith under the Policy.

In particular, the Respondent has used the disputed domain name to impersonate the Complainant by resolving it to a website displaying the Complainant's logo and book covers, and by using an email address associated with the disputed domain name to file false complaints with Amazon in order to remove the Complainant's books from sale. Thereupon, the Respondent effectively sought to blackmail the Complainant into buying the disputed domain name, which was listed for sale at USD 14,999, in return for the Respondent withdrawing the false Amazon complaints.

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 <hellacoloring.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: June 24, 2025