

ADMINISTRATIVE PANEL DECISION

Headquarters 4 Sports, Inc. v. jian guizhen

Case No. D2025-1767

1. The Parties

The Complainant is Headquarters 4 Sports, Inc., United States of America (“U.S.”), represented by Loza & Loza, LLP, U.S.

The Respondent is jian guizhen, China.

2. The Domain Name and Registrar

The disputed domain name <hq4sportsbaseball.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 6, 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 (DYNADOT INC (SUPER PRIVACY SERVICES LTD c/o DYNADOT) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 on May 9, 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 9, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 30, 2025.

The Center appointed Alexander Duisberg as the sole panelist in this matter on June 13, 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 long-established retailer of sports equipment, specializing in baseball and softball gear, and is also doing business as "HQ4 Sports". The Complainant has used the name "HQ4 Sports" in commerce since early 2000 in connection with its sporting goods business. The Complainant owns and operates its official website at the domain name <hq4sports.com>, which has been active since about January 30, 2000. Through this website and a physical store, the Complainant has become a well-known source for baseball equipment, uniforms, and supplies. "HQ4 Sports" is recognized as a go-to source for baseball and softball gear, specializing in baseball/softball bats, catcher's gear, ball gloves, uniforms, and related products.

The Complainant is the owner of the service mark registered under the U.S. Trademark Registration for HQ4SPORTS No. 2,565,113, issued on April 30, 2002 (referred as "Mark"). Further, the Complainant uses the logo HQ4SPORTS (see below):



The disputed domain name <www.hq4sportsbaseball.com> was registered on May 9, 2024.

On March 26, 2025, the Complainant's representative sent a cease-and-desist letter notice to the Respondent. No response was received.

According to the Complainant's unrebutted evidence, the disputed domain name fully incorporates the Complainant's Mark, logo style, and website content. The website of the disputed domain name lists products in the same categories of items that the Complainant sells (baseball bats, gloves, etc.), and presents itself as "HQ4SPORTS", displaying the Complainant's above referenced logo and descriptions and images copied from the Complainant's website.

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 confusingly similar to the Complainant's Mark. The disputed domain name fully incorporates the Complainant's Mark and merely appends the generic term "baseball". The term "baseball" directly describes the core product category offered by the Complainant (baseball equipment) and does nothing to distinguish the domain name from the Complainant's Mark. The dominant element of the disputed domain name corresponds to the Complainant's Mark in its entirety.

The Complainant asserts that he has presented a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant contends that he has never authorized, licensed, or otherwise permitted the Respondent to use the Mark, nor is there any other kind of legal or otherwise established relationship in place between the Complainant and the Respondent.

The Complainant states that the Respondent registered and uses the disputed domain name in bad faith. The Respondent intends to trade off the Complainant's goodwill and deceive consumers into buying products from the websites operated under the disputed domain name. The deliberate mimicry of the Complainant's branding and content show an intent to pass off as the Complainant or as an authorized site. The Respondent presumably stands to profit from this confusion by either selling products (possibly counterfeit goods or unauthorized merchandise) to those users or by phishing their personal information.

B. Respondent

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

6. Discussion and Findings

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

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

The Panel acknowledges the consensus view that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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 Complainant's registered Mark satisfies the first requirement for establishing "rights" in a mark. The Complainant owns the Mark (i.e. the service mark) as registered with the United States Patent and Trademark Office.

The entirety of the Mark is reproduced 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 "baseball") 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.

Numerous UDRP decisions have confirmed that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety (see *Ansell Healthcare Products Inc. v. Australian Therapeutics Supplies Pty, Ltd.*, WIPO Case No.

[D2001-0110](#); *eBay Inc. v. ebayMoving / Izik Apo*, WIPO Case No. [D2006-1307](#); *Compagnie Générale des Etablissements Michelin v. Christian Viola*, WIPO Case No. [D2012-2102](#); *The Chancellor, Masters and Scholars of the University of Oxford v. Oxford College for PhD Studies*, WIPO Case No. [D2015-0812](#); *Banca Mediolanum S.p.A. v. Domains By Proxy, LLC / Marzia Chiarello*, WIPO Case No. [D2020-1955](#); *Skyscanner Limited v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2021-1948](#); *Skyscanner Limited v. Wei Meng Chan*, WIPO Case No. [D2023-1073](#); *Aldo Group International GmbH v. Zhang Qiang*, WIPO Case No. [D2024-1311](#)).

It is established that the generic Top-Level Domain “.com” is a standard registration requirement and should be disregarded under the first element test (see *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#)). [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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 that 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 producing 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 (see *Skipton Building Society v. skiptonassetmanagement.com, Private Registration*, WIPO Case No. [D2011-0222](#); *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#); *B-Boy TV Ltd v. bboytv.com c/o Whois Privacy Service / Chief Rocka LTD, formerly named BreakStation LTD.*, WIPO Case No. [D2012-2006](#); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); *Streamotion Pty Ltd v. Ovi Khan*, WIPO Case No. [D2022-3784](#); *Canva Pty Ltd v. JOSE VALDIR DE LIMA*, WIPO Case No. [D2023-1736](#); *Evolution AB v. tom scholes*, WIPO Case No. [D2023-2030](#)).

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* case, and in particular 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 finds that the composition of the disputed domain name carries a risk of implied affiliation. The disputed domain name incorporates the entirety of the Mark with the addition of the term “baseball”, which directly describes the core product category offered by the Complainant (baseball equipment), whereas the Respondent does nothing to distinguish the disputed domain name from the Complainant’s Mark. In fact, the combination of “hq4sports” with “baseball” suggests a domain name that is an official or authorized subdivision or affiliate of the Complainant related to baseball products.

Panels have held that the use of a domain name for illegitimate activity, including for the claimed sale of counterfeit goods or phishing 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 registered and used the disputed domain name to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's Mark. Based on the Complainant's submissions, which are not rebutted by the Respondent, the Respondent is operating an unauthorized web store that displays elements that are directly copied from the Complainant's website or similar to those on this website. The disputed domain name is commercial in nature (purporting to sell products) and uses the Complainant's Mark to attract customers for the Respondent's own gain. The products listed on the website at the disputed domain name are the same types of items and products the Complainant sells (baseball bats, gloves, etc.) and the site falsely presents itself as "HQ4SPORTS". The Respondent provided false contact details in the "Whois" (and on its website). This behavior is incompatible with a claim of good faith registration or use. Honest businesses do not hide behind fake addresses. The use of false contact information is a strong indicator that the Respondent itself recognizes the illegitimacy of its activities and wishes to avoid being identified or contacted.

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 sale of counterfeit goods or phishing, 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 Complainant's registrations of the Mark predate the Respondent's registration of the disputed domain name. The Panel notes that the Respondent does not own any rights in any trade marks which comprise part or all of the disputed domain name and that the Respondent is not commonly known by the disputed domain name. The Panel finds that the Respondent was, or should have been, aware of the Complainant's Mark at the time of registration. It has been proven to the Panel's satisfaction that the Complainant's Mark is known and unique to the Complainant. Thus, the Respondent could not reasonably ignore the reputation of goods or services offered under this Mark. Therefore, the Panel finds that the Respondent registered the disputed domain name with the expectation of taking advantage of the reputation of the Mark (see *SembCorp Industries Limited v. Hu Huan Xin*, WIPO Case No. [D2001-1092](#); *Maori Television Service v. Damien Sampat*, WIPO Case No. [D2005-0524](#); *eBay Inc. v. Renbu Bai*, WIPO Case No. [D2014-1693](#); *Nutricia International BV v. Eric Starling*, WIPO Case No. [D2015-0773](#)).

The Panel emphasizes that the mere ownership of the disputed domain name itself does not confer a right or legitimate interest on the Respondent (see *National Football League Properties, Inc. and Chargers Football Company v. One Sex Entertainment Co., a/k/a chargergirls.net*, WIPO Case No. [D2000-0118](#)).

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 <hq4sportsbaseball.com> be transferred to the Complainant.

/Alexander Duisberg/
Alexander Duisberg
Sole Panelist
Date: June 26, 2025