

ADMINISTRATIVE PANEL DECISION

JYSK A/S v. zhagn chi
Case No. D2025-1773

1. The Parties

Complainant is JYSK A/S, Denmark, represented by Zacco Sweden AB, Sweden.

Respondent is zhagn chi, China.

2. The Domain Name and Registrar

The disputed domain name <wellpurde.com> (the “Domain Name”) 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 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Super Privacy Service LTD) and contact information in the Complaint. The Center sent an email communication to Complainant on May 5, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on May 8, 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 Respondent of the Complaint, and the proceedings commenced on May 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 1, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 10, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on June 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

Complainant is a global retail chain based in Denmark that sells home furnishing products, including duvets, blankets, furniture, and housewares under the mark WELLPUR. Complainant owns numerous trademark registrations for the WELLPUR mark, including:

- WELLPUR, International Registration No. 990377, registered November 12, 2008, for furniture and textiles in International Classes 20 and 24; and
- WELLPUR, European Union Trademark Registration No. 008329559, registered January 28, 2010, for furniture and textiles in International Classes 20 and 24.

Collectively, these registered trademark rights are referred to as the “WELLPUR Mark”.

The Domain Name was registered on August 7, 2024. The Domain Name resolves to a website that prominently displays Complainant’s WELLPUR marks and copies content related to Complainant’s products, while also being offered for sale for USD 1,200 on the website.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

As background, Complainant asserts that it is a global retail chain founded in Denmark that operates stores and web shops selling home furnishing products, including duvets, blankets, furniture, and housewares. Complainant alleges that it is the owner of the WELLPUR Mark, which is registered in numerous jurisdictions around the world through international and national registrations, and that it actively pursues infringements of its trademark rights. Complainant further asserts that it and its partners have registered the trademark as domain names under numerous top-level domains, including the domain name <wellpur.com>.

With respect to the first element of the Policy, Complainant alleges that the Domain Name is confusingly similar to its WELLPUR trademark as it incorporates the mark in its entirety with only the addition of the letters “de”, which is the country code for Germany and suggests a German connection to Complainant’s products. Complainant contends that users viewing the Domain Name and website could easily but wrongly assume that the Domain Name and website are somehow connected to or sponsored by Complainant.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name as Respondent is hosting a fraudulent and unauthorized website impersonating Complainant and the WELLPUR Mark. Complainant contends that the website prominently displays Complainant’s WELLPUR Mark and copies content related to Complainant’s products while providing no information regarding the identity of its provider and failing to acknowledge Complainant as the real brand owner. Complainant further alleges that Respondent is not an authorized distributor, licensee, or retailer of Complainant’s products and that such unauthorized use is both deceptive and misleading.

With respect to the third element of the Policy, Complainant asserts bad faith registration and use based on multiple factors. First, Complainant alleges that Respondent registered the Domain Name incorporating Complainant's trademark and is using it to create confusion and unfairly capitalize on the reputation and goodwill of Complainant's well-established business. Second, Complainant contends that the Domain Name is simultaneously being offered for sale for USD 1,200, which vastly exceeds standard out-of-pocket costs and constitutes commercial cybersquatting. Third, Complainant alleges that Respondent failed to respond to a cease and desist letter demanding transfer of the Domain Name, demonstrating bad faith. Complainant argues that by registering the Domain Name, Respondent agreed to be bound by the UDRP and violated the Policy's requirements that registration not infringe third party rights and not be used for unlawful purposes.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Although Respondent defaulted, to succeed in this proceeding, paragraph 4(a) of the Policy requires Complainant to prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kasso Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); and see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows:

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. Ownership of a trademark registration prima facie satisfies that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2. Here, Complainant has provided evidence of trademark registrations for the WELLPUR Mark.

The Domain Name incorporates Complainant's WELLPUR Mark in its entirety, with the addition of the term "de", which is the country code for Germany. As noted in section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Therefore, the Panel concludes that the Domain Name is confusingly similar to Complainant's WELLPUR trademark in which Complainant has rights, satisfying the first element of the Policy.

B. Rights or Legitimate Interests

Complainant must make a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, after which the burden of production shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests. See section 2.1 of the [WIPO Overview 3.0](#).

Here, Complainant has stated that it has not licensed or otherwise authorized Respondent to use its WELLPUR Mark or to register domain names incorporating the mark. There is no evidence that Respondent has been commonly known by the Domain Name or that Respondent has acquired any trademark rights in the term "wellpurde".

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy¹ or otherwise

Moreover, Respondent cannot claim that its operation of the website at the Domain Name provides legitimate interests. The evidence shows that Respondent is using the Domain Name to operate a website that copies Complainant's WELLPUR branding and content while simultaneously offering the Domain Name for sale. The Oki Data test, established in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), does not provide a defense for Respondent because the test requires that a reseller must: (i) actually be offering the goods or services at issue; (ii) use the site to sell only the trademarked goods; (iii) accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) not try to "corner the market" in domain names. Here, Respondent fails to meet these requirements as there is no accurate disclosure of the lack of relationship with Complainant, and the website appears to be primarily a vehicle for domain name sales rather than legitimate product sales.

In addition, the website prominently displays Complainant's WELLPUR Mark and logo at the top where users expect to find the name of an official online store, creating a false impression of official affiliation. Here, the website's unauthorized use of Complainant's trademark, logo, and images, combined with its failure to disclose the true nature of its relationship with Complainant, demonstrates that Respondent is attempting to pass itself off as Complainant or an affiliate. This cannot establish a legitimate interest.

Lastly, Respondent's use of the Domain Name is not noncommercial or fair use under paragraph 4(c)(iii) of the Policy, given that the Domain Name resolves to a website that prominently displays Complainant's WELLPUR marks and copies content related to Complainant's products. It is not clear whether the Respondent actually offers for sale any products on the website. However, taking into account the composition of the Domain Name, the information about offering the Domain Name for sale on the website, and the impersonating nature of the website layout, the Panel considers that the website is a pretext for Respondent's intention of offering the Domain Name for sale. Such activity does not amount to a fan site, criticism, or other activity that may be considered noncommercial or fair use.

The Panel finds that Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name, which Respondent has not rebutted. The Panel concludes that Complainant has satisfied the second element of the Policy.

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

Bad faith registration can be found where a respondent “knew or should have known” of a complainant’s trademark rights and nevertheless registered a domain name in which it had no rights or legitimate interests. See *Accor v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). Here, Respondent registered the Domain Name, which is confusingly similar to Complainant’s WELLPUR Mark, and began using it in connection with a website containing prominent use of Complainant’s WELLPUR Mark and its logo without authorization. The Panel finds that Respondent’s intention in registering the Domain Name was to attract, for commercial gain, Internet users to Respondent’s website by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

With respect to use of the Domain Name, Complainant has shown that Respondent has engaged in bad faith by prominently using the WELLPUR Mark to promote the same types of products as Complainant and even mimicking Complainant by using its stylized WELLPUR trademark. These actions amount to bad faith use of the Domain Name by Respondent. See *Identigene, Inc. v. Genetest Labs*, WIPO Case No. [D2000-1100](#) (finding bad faith where the respondent’s use of the domain name at issue to resolve to a website where similar services are offered to Internet users is likely to confuse the user into believing that the complainant is the source of or is sponsoring the services offered at the site); *MathForum.com, LLC v. Weiguang Huang*, WIPO Case No. [D2000-0743](#) (finding bad faith under paragraph 4(b)(iv) of the Policy where the respondent registered a domain name confusingly similar to the complainant’s mark and the domain name was used to host a commercial website that offered similar services offered by the complainant under its mark). The Panel considers that the website appears to be primarily a vehicle for domain name sales rather than legitimate product sales under the circumstances of this case.

In addition, Respondent offered the Domain Name for sale for USD 1,200, which likely far exceeds documented out-of-pocket costs directly related to the Domain Name, constituting additional evidence of bad faith under paragraph 4(b)(i) of the Policy. As noted in section 3.1.1 of the [WIPO Overview 3.0](#), circumstances indicating bad faith include “a respondent’s request for goods or services in exchange for the domain name” and offers to sell at prices “in excess of the respondent’s documented out-of-pocket costs”.

Therefore, the Panel finds that the Domain Name was registered and is being used in bad faith.

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 Domain Name, <wellpurde.com>, be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: June 30, 2025