

ADMINISTRATIVE PANEL DECISION

Vida Shoes International, Inc. v. Uzihcv Zexlpl
Case No. D2025-1798

1. The Parties

Complainant is Vida Shoes International, Inc., United States of America ("United States"), represented by Kane Kessler, PC, United States.

Respondent is Uzihcv Zexlpl, United States.

2. The Domain Name and Registrar

The disputed domain name <theaquatalia.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 5, 2025. On May 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 7, 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") and contact information in the Complaint. The Center sent an email communication to Complainant on May 7, 2025, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. 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 Respondent of the Complaint, and the proceedings commenced on May 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 4, 2025.

The Center appointed Jeffrey M. Samuels 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

Complainant Vida Shoes International, Inc. is the owner, via assignment, of United States Trademark Registration No. 4349879, for the mark AQUATALIA. The registration was issued on June 11, 2013, and the mark has been used by Complainant and its predecessors since at least as early as August 2011, in connection with on-line retail services involving footwear. Complainant also owns the domain name <aquatalia.com>.

The disputed domain name, <theaquatalia.com>, was registered on October 9, 2024, and is being used in connection with the purported sale of AQUATALIA goods below the market value with a discount of more than 80%. The goods found on Respondent's website are purportedly shipped to the United States, Canada, Australia, and the United Kingdom.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name is nearly identical to and confusingly similar to its AQUATALIA trademark. Complainant notes that the disputed domain name appropriates the entirety of the AQUATALIA mark, only adding the article "the."

Complainant further argues that Respondent has no rights or legitimate interests in the disputed domain name. Complainant indicates that there is no evidence of Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services and that, to the best of its knowledge, Respondent is not commonly known by the disputed domain name and is not making a legitimate noncommercial or fair use of the disputed domain name. Complainant also asserts that it has no connection with Respondent and has never heard of Respondent prior to this dispute.

Complainant maintains that Respondent's use of the disputed domain name in connection with the sale of counterfeit goods constitutes trademark counterfeiting and trademark infringement and that Respondent's unauthorized reproduction of certain photographs on the disputed website constitutes copyright infringement.

With respect to the issue of "bad faith" registration and use, Complainant maintains that Respondent registered the disputed domain name primarily for the purpose of disrupting the business of a competitor. It also asserts that, by using the disputed domain name, Respondent intentionally attempted 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 such site and of the products found on such site.

B. Respondent

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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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 entirety of the mark is reproduced within the disputed domain name, adding only the non-distinctive term "the." Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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 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.

Panels have held that the use of a domain name for illegal activity, such as counterfeiting, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. The evidence submitted by the Complainant establishes that the disputed domain name is being used in connection with the sale of AQUATALIA goods, which are more likely than not counterfeit as the goods are offered disproportionately below market value. Moreover, even if the goods allegedly offered on the website were to be genuine, this would not change the Panel's conclusion given the lack of clear information on the website and the inherently misleading nature of the disputed domain name.

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

C. Registered and Used in Bad Faith

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

As noted above, the evidence on record supports Complainant's claim that the disputed domain name reverts to a website that offers for sale most likely counterfeit AQUATALIA footwear. Such footwear, it may be reasonably assumed, competes with that offered for sale by Complainant. Thus, the Panel finds that Respondent registered the disputed domain name primarily for the purpose of disrupting the business of a competitor, within the meaning of paragraph 4(b)(iii) of the Policy.

As previously determined, the disputed domain name, for all intents and purposes, is confusingly similar to Complainant's trademark. The Panel, therefore, further determines that, by using the disputed domain name, Respondent attempted to attract, for commercial purposes, Internet users to the website at the disputed domain name by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such site and of the goods found on such site, within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel finds that 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 <theaquatalia.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: June 27, 2025