

ADMINISTRATIVE PANEL DECISION

Warby Parker Inc. v. Zhang Qiang
Case No. D2025-1831

1. The Parties

The Complainant is Warby Parker Inc., United States of America (“United States”), represented internally.

The Respondent is Zhang Qiang, China.

2. The Domain Names and Registrar

The disputed domain names <warbyparkerargentina.com>, <warbyparkerfrance.com>, and <warbyparkerjapan.com> are registered with Paknic (Private) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 6, 2025. On May 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 9, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on May 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2025.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on June 17, 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 an American company that provides eyewear and eyewear related accessories in the United States and Canada since 2009.

The Complainant owns trademarks consisting of “WARBY PARKER”, including but not limited to:

Trademark	Country	Registration Number	Registration Date
WARBY PARKER	European Union	16490121	September 15, 2017
WARBY PARKER	United States	5697698	March 12, 2019
WARBY PARKER	Japan	5948326	May 19, 2017

The Complainant also owns the domain name <warbyparker.com>, registered on July 10, 2009.

The Respondent is Zhang Qiang, from China.

The disputed domain names were registered on September 19, 2023, and currently resolve to inactive pages. However, the disputed domain names <warbyparkerargentina.com> and <warbyparkerfrance.com> resolved to websites prominently displaying the Complainant’s trademark, and purportedly offering for sale goods bearing the Complainant’s WARBY PARKER trademark, according to evidence disclosed in the Complaint (annex 11 to the Complaint). The Complainant has not submitted the capture of the disputed domain name <warbyparkerjapan.com>. However, the Complainant has received an inquiry from a consumer asking whether the website connected to the disputed domain name <warbyparkerjapan.com> is an official 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 names.

The Complainant argues that the disputed domain names are identical or confusingly similar to the trademark WARBY PARKER.

There is no evidence that the Respondent has made demonstrable preparations to use the disputed domain names for legitimate purposes, nor is there any evidence that the Respondent is using the disputed domain names in connection with any noncommercial or fair use. The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

That being the case, the Complainant contends that the disputed domain names purportedly offering for sale unauthorized goods bearing the Complainant’s WARBY PARKER mark and are likely to make Internet users assume that the websites that are linked to the disputed domain names offer goods and services supplied by the Complainant.

According to the Complainant, it has prior rights over the trademark WARBY PARKER and has not authorized the Respondent’s registration and use of the disputed domain names.

The Complainant’s intellectual property rights for WARBY PARKER trademarks and domain name predate the registration of the disputed domain names.

According to the Complainant, the registration and use of the disputed domain names have been conducted in bad faith.

The Complainant requests the transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to the trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are used in bad faith.

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 names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 entirety of the WARBY PARKER mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar 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 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 names. 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 names such as those enumerated in the Policy or otherwise.

The disputed domain names <warbyparkerargentina.com> and <warbyparkerfrance.com> resolved to websites prominently displaying the Complainant's trademark, and purportedly offering for sale goods bearing the Complainant's WARBY PARKER trademark. The layout of the websites looks and feels like the Complainant's website. Panels have held that the use of a domain name for illegal activity, here claimed as impersonation/passing off and sale of counterfeit goods, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The nature of the disputed domain names carries a risk of implied affiliation as it effectively impersonated the Complainant.

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 finds that the Respondent was clearly aware of WARBY PARKER trademark as the disputed domain names incorporate WARBY PARKER trademark attempting to attract Internet users by creating a likelihood of confusion with the Complainant's mark. Therefore, the registration of the disputed domain name constitutes 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 illegal activity, here claimed as impersonation/passing off and sale of counterfeit goods 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 names <warbyparkerargentina.com> and <warbyparkerfrance.com> constitutes bad faith under the Policy.

The non-use of the disputed domain name <warbyparkerjapan.com> does not prevent a finding of bad faith under the circumstances of this case. [WIPO Overview 3.0](#), section 3.3.

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 names <warbyparkerargentina.com>, <warbyparkerfrance.com>, and <warbyparkerjapan.com> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: June 30, 2025