

## **ADMINISTRATIVE PANEL DECISION**

Peter Millar LLC v. Kevin Blinn  
Case No. D2025-1863

### **1. The Parties**

The Complainant is Peter Millar LLC, United States of America ("United States" or "US"), represented by Demys Limited, United Kingdom.

The Respondent is Kevin Blinn, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <gforeshop.com> is registered with Spaceship, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 9, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 12, 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 Purposes, Privacy services provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 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 19, 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 20, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on June 27, 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 United States based international luxury apparel business that was founded in 2001 in Raleigh, North Carolina. The Complainant operates over 40 stores and boutiques in the US, as well as Internet shops from the websites “www.petermillar.com”, for the US market, and “www.petermillar.co.uk” for the United Kingdom and other international markets. In 2022 the Complainant became the Official Outfitter of the United States Golf Association and supporting partner of the US Open Championship.

The G/FORE brand is a golf-inspired sportswear and accessories brand which the Complainant acquired in 2018. With its roots in Los Angeles, US, G/FORE offers sportswear through its dedicated Internet shops from “www.gfore.com” which serves the US market and from which Internet users are redirected to their local regional websites, e.g. “www.gfore.kr” for the Korean market. The Complainant maintains several social media profiles for its G/FORE brand, including on Facebook, Instagram, TikTok, and LinkedIn, which combined have over 290,000 followers.

The Complainant is the owner of numerous trademark registrations related to the term G/FORE and G FORE, including the following (hereinafter, the “G FORE marks”):

- G FORE, United States Reg. No. 4035425, registered October 4, 2011, in class 28, for golf gloves;
- G/FORE, United States Reg. No. 4117878, registered March 27, 2012, in class 28, for golf gloves;
- G FORE, European Union Reg. No. 011699618, registered August 9, 2013, in classes 25 and 28, including for clothing, athletic apparel, shirts, footwear, golf shoes, golf gloves, golf bags, and other related goods.

The Respondent, located in the United States, registered the disputed domain name on February 19, 2025. The disputed domain name resolves to a live website which appears to offer the Complainant’s G/FORE products for sale at allegedly discounted prices. The website features the Complainant’s products photographs and descriptions, marketing images, and “Terms of use” and “Returns” text.

#### **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 identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant’s earliest G FORE marks predate the registration of the disputed domain name by more than 13 years.

The disputed domain name incorporates the Complainant’s G FORE marks, omitting the forward slash due to technical reasons, with the addition of the dictionary word “shop”. Since the Complainant operates its own web shop from <gfore.com>, the Complainant avers that the added word is closely associated with it and its activities. The addition of a descriptive term to the Complainant’s trademark does nothing to distinguish the disputed domain name from the Complainant’s mark, and would not prevent a finding of confusing similarity under the first element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.8. The Complainant also avers that the added word increases the likelihood of confusion among Internet users since it creates the impression that the disputed domain name is the Complainant’s official web shop, or at the very least, is associated with or endorsed by the Complainant.

The Complainant alleges that the Respondent has no rights or legitimate interest in respect of the disputed domain name. The Respondent is not commonly known by the disputed domain name, G/FORE or GFORE SHOP, prior to or after the registration of the disputed domain name. The Respondent does not own any trademarks incorporating the terms G/FORE or GFORE SHOP, nor has the Respondent ever traded under the business names G/FORE or GFORE SHOP.

Furthermore, the Respondent is not a licensee of the Complainant and has not received any permission, consent or acquiescence from the Complainant to use its marks in association with the registration of the disputed domain name, or any domain name, service or product. The Complainant contends that given the confusing similarity of the disputed domain name to its marks, there is no conceivable use to which the disputed domain name could be put now, or in the future, that would confer any legitimate interest upon the Respondent.

The Complainant contends that the Respondent cannot claim nominative fair use as a reseller or distributor. As previously noted, the Complainant has not provided permission or consent to the Respondent to act as an authorized distributor of its goods, use its marks in the disputed domain name, or use its copyrighted material on the associated website. The Respondent has made prominent, misleading and unauthorized use of the Complainant's copyrighted material on its website, including the Complainant's product photographs and descriptions.

The Complainant claims that even if the goods being sold were legitimate, the Respondent would fail the Oki Data test for resellers, distributors, or service providers. The Respondent is not part of the Complainant's distribution network, and as such the Complainant's goods being offered are more likely than not to be either counterfeit, parallel import or grey market goods. While the Respondent's website appears to only offer the Complainant's GFORE goods, the Respondent's website does not contain any disclaimer that would accurately disclose its relationship (or non-relationship) with the Complainant. On the contrary, the Respondent's prominent, misleading and unauthorized use of the Complainant's copyright material on its website is an intentional attempt to mislead Internet users into believing that the Respondent's website is the Complainant's official website or at least authorized or endorsed by the Complainant. As to the last Oki Data factor, the Complainant notes that it would be challenging for the Respondent to register enough domain names incorporating the Complainant's mark to "corner the market".

Consequently, the Complainant contends that the Respondent's website fails the Oki Data test on at least grounds (i), (ii) and (iii), and the Respondent cannot claim that it is making nominative fair use of the Complainant's mark, even if the Respondent were a genuine reseller of the Complainant's products. [WIPO Overview 3.0](#), section 2.8.2.

The disputed domain name is not used in connection with a bona fide offering of goods or services, since the Respondent has not right to assume the Complainant's G/FORE marks or trading style. The Complainant objects to the appropriation of its registered marks to advertise and promote an unrelated, unapproved third-party shop that offers either counterfeit, parallel import or grey market goods. The Respondent's use of the disputed domain name to attempt to impersonate the Complainant or imply sponsorship or endorsement of the Respondent by the Complainant cannot constitute a bona fide offering of goods and services.

The Complainant further avers that the Respondent is not making a legitimate non-commercial or fair use of the disputed domain name. The Respondent's use is not "fair" as it falsely suggests affiliation with the trademark owner. [WIPO Overview 3.0](#), section 2.5. The composition of the disputed domain name containing the Complainant's mark plus an added term is not fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. As is evident from the disputed domain name and its associated website, the Respondent is targeting the Complainant and its G/FORE rights for commercial gain and without any disclaimer of affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.2.

Lastly, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Under the Policy paragraph 4(b)(iv), in most circumstances where a respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion

with the Complainant's mark, this is sufficient to find that the disputed domain name was registered and is being used in bad faith. The Complainant alleges that there is a likelihood of confusion that the website associated with the disputed domain name is confusing to Internet users. Adding the word "shop" to the Complainant's mark increases the likelihood of confusion, as it falsely implies that the disputed domain name is the Complainant's official web shop domain name.

The confusion is exacerbated when Internet users arrive at the website associated with the disputed domain name, as the website features the Complainant's copyright material, including product photographs and marketing images, along with lacking any disclaimer that would dispel Internet users' confusion when they arrive at the website. "The Respondent's use of the Complainant's trademarks, brands and copyrighted images along with its notice of copyright ownership on the website as to the images and content depicting the Complainant's brands and product, shows an intention to mislead consumers into believing it is an authorized site." See *Philip Morris Products S.A. v. Domain Admin/Hongwei Song*, WIPO Case No. [D2019-1647](#).

The Complainant further alleges that the resolving website is being used to disrupt the Complainant's business, as the website is used in relation to the sale of either counterfeit, parallel import or grey market goods. As the Respondent is not a genuine reseller of the Complainant's G/FORE goods, any products offered on the Respondent's website are outside the Complainant's quality control systems. Any such use will tarnish the Complainant's name and marks and diminish consumers' trust associated with the G/FORE brand and the quality of products offered by the Complainant. All of the circumstances cumulatively reflect that on balance, it is more likely than not that the disputed domain name was registered and used in bad faith.

## **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 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 Panel finds the mark is recognizable within the disputed domain name. The disputed domain name contains the G/FORE and G FORE marks, without the slash or space contained in the marks. 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, "shop", 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.

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 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.

Upon review of the facts and evidence, the Panel finds that the Respondent has not provided any evidence of use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name resolves to a website displaying the Complainant’s trademarks and copyrighted product images, and the website is offering for sale products which are purported to be the Complainant’s products. The resolving website would mislead consumers into believing that it is licensed by or otherwise affiliated with or connected to the Complainant and/or its trademarks. The website does not display any disclaimer whatsoever regarding the lack of relationship between the Complainant and Respondent. Beside the website featuring the Complainant’s products photographs, descriptions, and marketing images, the website includes the Complainant’s “Terms of use” and “Returns” text, along with a claim of copyright, furthering the likelihood of confusion for consumers visiting the site.

It is clear to the Panel that the Respondent cannot be considered a good faith provider of goods or services under the disputed domain name, and even if the resolving website offered bona fide goods, it would fail the Oki Data test in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), as there is no relationship between the Parties, and a total lack of disclaimer indicating the lack of relationship. The Respondent’s use on the website is a clear attempt to pass itself off as being the Complainant’s site for shopping for G/FOR goods. Concurring with the Panel under similar facts in *Peter Millar LLC v. ddfsdf ddsf fdsd, Rémy Brunault, Bodo Held, ying ma*, WIPO Case No. [D2025-0184](#), this Panel finds that the Respondent’s use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name.

Additionally, Panels have held that the use of a domain name for illegal activity, here, claimed as applicable to this case: sale of suspected counterfeit, parallel import or grey market goods, and impersonation/passing off, 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 the disputed domain name many years after the Complainant obtained trademark rights in its G FORE marks. Prior panels have found that the Complainant’s trademarks were held to be well-known. See, *Peter Millar, LLC v. ddfsdf ddsf fdsd, et al.* supra; *Peter Millar, LLC v. Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2023-4319](#). The evidence shows a clear knowledge by the Respondent of the Complainant’s marks at the time of registration, along with the conscious intent to target the Complainant. The disputed domain name resolves to a website appearing to pass itself off as that of the Complainant, with the Complainant’s marks,

photographs, the Complainant's "Terms of use" and "Returns" text, along with a claim of copyright. There is no disclaimer that there is no relationship between the Respondent and the Complainant. The facts indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark for commercial gain, with the bad faith intent to create a likelihood of confusion for consumers seeking to purchase the Complainant's goods.

Furthermore, Panels have held that the use of a domain name for illegal activity, here, claimed as applicable to this case: sale of suspected counterfeit, parallel import or grey market goods, and impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Respondent has not responded to or rebutted the contentions. Having reviewed the totality of the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <gforeshop.com> be transferred to the Complainant.

*/Gary Saposnik/*

**Gary Saposnik**

Sole Panelist

Date: July 11, 2025