

ADMINISTRATIVE PANEL DECISION

Legendary Holdings, LLC v. 鲁旺龙
Case No. D2025-1891

1. The Parties

The Complainant is Legendary Holdings, LLC, United States of America ("United States"), represented by Pryor Cashman, LLP, United States.

The Respondent is 鲁旺龙, China.

2. The Domain Name and Registrar

The disputed domain name <legendarywhitetailsstyle.com> is registered with Beijing Zhuoyue Shengming Technologies Company Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on May 12, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 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 (Undisclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 16, 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 amendment to the Complaint in English on May 16, 2025.

On May 16, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On the same day, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 the Respondent in Chinese and English of the Complaint, and the proceedings commenced on May 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2025. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent's default on June 12, 2025.

The Center appointed Jonathan Agmon as the sole panelist in this matter on June 30, 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 the owner of the clothing brand LEGENDARY WHITETAILS. Established 25 years ago by Larry Huffman, the LEGENDARY WHITETAILS fashion brand started off as a distribution of a tri-fold catalog featuring jackets and flannel shirts, and has quickly achieved success, becoming the foremost provider of flannel shirts in the United States. It has also become a globally recognized outfitter catering to hunters and outdoor enthusiasts, offering hunting wear and casual wear.

The Complainant has a significant social media presence through its Facebook, Instagram, and TikTok social media platforms. It has over 1.6 million followers on Facebook.

The Complainant owns various trademark registrations for LEGENDARY WHITETAILS, including the following:

- United States trademark registration No. 2171663 for LEGENDARY WHITETAILS, registered on July 7, 1998;
- United States trademark registration No. 2168104 for LEGENDARY WHITETAILS, registered on June 23, 1998;
- United States trademark registration No. 7061412 for LEGENDARY WHITETAILS, registered on May 23, 2023; and
- United States trademark registration No. 7079070 for LEGENDARY WHITETAILS, registered on June 13, 2023.

The Complainant operates its primary domain name at <legendarywhitetails.com>, registered on November 7, 1997.

The disputed domain name was registered on December 2, 2024. At the time of this Decision, it resolved to an inactive webpage. It had previously resolved to a website resembling the Complainant's own website, displaying the Complainant's trademark, and offering for sale purported the Complainant's goods and/or services.

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 the LEGENDARY WHITETAILS mark in which the Complainant has rights. The disputed domain name wholly incorporates the Complainant's LEGENDARY WHITETAILS mark with the addition of the descriptive term "style". It is well-established that a domain name that incorporates the mere addition of a descriptive term may still be deemed confusingly

similar to a trademark for the purposes of the Policy. The disputed domain name is therefore confusingly similar to the Complainant's LEGENDARY WHITETAILS trademark.

- The Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent is not an authorised representative, agent or licensee of the Complainant. The Complainant does not have any type of business relationship with the Respondent, and has never consented to the Respondent's registration or use of the disputed domain name. The Complainant's LEGENDARY WHITETAILS trademark was registered long before the registration date of the disputed domain name. The disputed domain name previously resolved to a website that prominently displayed the Complainant's LEGENDARY WHITETAILS trademark, copied the colour scheme and layout of the Complainant's own website, and used the Complainant's copyrighted images, and purportedly offered for sale, potential counterfeit goods at a steep discount. The Respondent's website also collects the contact information of visitors under the guise that visitors are subscribing to the Complainant's newsletter, and the Respondent's website lists the Respondent's email contact information on its "contact us" page, and the email address provided is very similar to the Complainant's own email domain. The Respondent is therefore misleading consumers to the disputed domain name by making Internet users believe that the disputed domain name and the Respondent's website is owned or authorised by the Complainant.

- The Respondent registered and is using the disputed domain name in bad faith. The Respondent registered the disputed domain name many years after the Complainant first used its LEGENDARY WHITETAILS trademark in commerce in 1995. The Complainant therefore believes that there is little doubt that the Respondent registered the disputed domain name with full knowledge of the Complainant's rights in the LEGENDARY WHITETAILS trademark. This is especially so as the disputed domain name is nearly identical to the Complainant's LEGENDARY WHITETAILS trademark, as the Respondent's website prominently displays the LEGENDARY WHITETAILS trademark and copies the colour scheme, layout, and design of the Complainant's website, and as the Respondent's website purported to offer for sale, goods sold under the Complainant's LEGENDARY WHITETAILS trademark at a steep discount. Due to the fame of the Complainant's LEGENDARY WHITETAILS trademark, the Respondent knew, or ought to have known of the Complainant's trademark rights in LEGENDARY WHITETAILS. The disputed domain name consists of the Complainant's LEGENDARY WHITETAILS trademark with the addition of the descriptive term "style", which increases the likelihood of confusion between the disputed domain name and the Complainant's LEGENDARY WHITETAILS trademark. This is evidence of bad faith under the Policy. Further, the fact that the Respondent is utilizing a privacy service is indicative of bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- The disputed domain name resolved to a website exclusively in English, demonstrating the Respondent's familiarity with the English language; and

- The Complainant is unable to communicate in Chinese and translating the Complainant to Chinese would unfairly disadvantage and burden the Complainant, and delay the proceedings and adjudication of the matter.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Substantive Issues

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 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 term here, "style" may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant's registration of its trademark predates the registration of the disputed domain name. The disputed domain name resolves to a website prominently displaying the Complainant's LEGENDARY WHITETAILS trademark, and copies the layout and design of the Complainant's own website. It also purportedly offers for sale, goods sold under the LEGENDARY WHITETAILS trademark at steep discounts of up to around 60%. The Panel infers that the purported Complainant's products offered for sale on the Respondent's website are counterfeit. This suggests that the Respondent is targeting the Complainant and is likely attempting to divert Internet traffic away from the Complainant's website. The Panel is of the view that there is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate purpose.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: sale of counterfeit goods, and/or 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 long after the Complainant registered its LEGENDARY WHITETAILS trademark. Given the distinctiveness of the Complainant's LEGENDARY WHITETAILS trademark and the specific use the Respondent is making of the Complainant's LEGENDARY WHITETAILS trademark, it is highly unlikely that the Respondent was not aware of the Complainant and its trademark prior to the registration of the disputed domain name. This is especially so as the disputed domain name comprises of the Complainant's LEGENDARY WHITETAILS trademark, with the addition of the descriptive term "style", which is a common word in the fashion or clothing industry. The disputed domain name resolved to a website prominently displaying the Complainant's LEGENDARY WHITETAILS trademark and copies the layout and design of the Complainant's own website. It also purportedly offered for sale goods sold under the LEGENDARY WHITETAILS trademark at steep discounts of up to around 60%. This suggests that the Respondent is targeting the Complainant and is likely attempting to divert Internet traffic away from the Complainant's website and offering counterfeit products for sale on the Respondent's website.

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: sale of counterfeit goods, and/or impersonation/passing off, 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 Panel notes that the courier service was not able to deliver the documents from the Center due to bad address and draws an adverse inference accordingly.

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 <legendarywhitetailsstyle.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: July 14, 2025