

## **ADMINISTRATIVE PANEL DECISION**

Autumn Ideas, Inc. v. 鲁旺龙 (Wanglong Lu)  
Case No. D2025-1905

### **1. The Parties**

The Complainant is Autumn Ideas, Inc., United States of America (“United States” or “U.S.”), represented by Neal & McDevitt LLC, United States.

The Respondent is 鲁旺龙 (Wanglong Lu), China.

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

The disputed domain name <nippiesdeals.com> (the “Disputed Domain Name”) is registered with Vantage of Convergence (Chengdu) Technology Co., 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 16, 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 (Name Unavailable) 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 17, 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 May 17, 2025, 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 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 Andrew Sim 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 trades by its well-known NIPPIES brand.

In connection with the business, the Complainant has used the name and mark NIPPIES since as early as 2002 to sell a variety of nipple cover products and related accessories. The Complainant markets and sells its goods through various online selling platforms and brick-and-mortar retailers throughout the United States and elsewhere. It markets, promotes and sells its goods from its website found at the domain name <shopnippies.com>.

The Complainant is the owner of a number of NIPPIES-formative trademarks in the United States, Canada and the European Union, including but not limited to the following:

Jurisdiction	Mark	Registration Number	Registration Date	Description
United States	NIPPIES	2,779,983 (incontestable status)	November 4, 2003	adhesive covering made of material worn as a decorative patch on the breast
Canada	NIPPIES	TMA1130478	May 31, 2022	bras; lingerie; nipple covers, namely, pasties; shorts; swimwear; undergarments; bodysuits; adhesive nipple breast covers
European Union	NIPPIES	017827411	June 22, 2018	adhesive coated die cut fabric patches that cover the body; bodysuits; bras; dresses; lingerie; nipple covers, namely, pasties; pants; shorts; skirts; swimwear; undergarments; breast covers; skin patches, not for medical use; lace and embroidery, ribbons and braid; buttons, pins, needles, hair ornaments, fastenings for clothing

According to the Complainant's evidence, upon visiting the Disputed Domain Name, it resolves to a website ("Respondent's Website") in English language on which the Mark is prominently featured and displayed at the top left, and the goods identical to those of the Complainant are purportedly offered. The Respondent's Website also does not appear to contain a statement which indicates it is authorized by the Complainant to sell the Complainant's products. The Respondent's Website also offered some products from the third parties for sale.

The Disputed Domain Name was registered on October 30, 2024. Little information is known about the Respondent. Available information provided by the Registrar covers only the registrant's name, postal address, email address, and telephone number.

## **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.

First, the Complainant contends that the Disputed Domain Name is identical or confusingly similar to the Mark. The Disputed Domain comprises the Complainant's NIPPIES mark in its entirety. The addition of the descriptive term "deals" in the Disputed Domain Name does not eliminate the confusing similarity. The Complainant submits that its mark remains sufficiently recognizable for a showing of confusing similarity under Policy.

Second, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name for the reasons below:

- (a) The Respondent is an individual who is not affiliated or connected with the Complainant;
- (b) The Complainant has not given any license, sponsorship, permission nor authorization to the Respondent to use the NIPPIES mark or any similar variation in a domain name for any purpose;
- (c) The Respondent will not be able to produce any evidence of legitimate noncommercial or fair use of the Disputed Domain Name; and
- (d) The Respondent has made no preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. Instead, by using the Disputed Domain Name in offering what purports to be the Complainant's product, the Respondent exploits the Complainant's goodwill and deceives Internet users, which cannot establish any legitimate rights.

The Complainant further contends that even if the Respondent claims to be reselling the Complainant's products, the misleading suggestion of affiliation—combined with the absence of a clear disclaimer of the lack of relationship—renders the Respondent's conduct inherently deceptive. The Complainant believed that the Respondent is not actually selling the Complainant's products, but is instead engaged in fraud aimed at luring customers and collecting their personal information. It would be incapable of establishing rights or legitimate interests under the Policy.

Third, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith for the reasons below:

- (a) The NIPPIES mark is so well known and closely linked with the Complainant from its many years of use and registration that any use of minor variation of the mark by the Respondent would imply bad faith;
- (b) The Respondent knew, or should have known, the existence of the Complainant's trademarks at the time of registration. The Respondent's act of setting up and operating a website that infringes on the Complainant's trademark rights have shown bad faith; and
- (c) On the facts of the above, it is more likely than not that the Respondent knew of and targeted the Complainant's trademark, and the Respondent should be found to have registered and used the Disputed Domain Name in 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 as the content of the Respondent's website shows that the Respondent is familiar and comfortable with the language. The Disputed Domain Name is constituted exclusively of English characters, and all of the Respondent's infringing acts are done in English. Furthermore, the Respondent offers products in U.S. dollars and accepts payment methods commonly used in the U.S., indicating familiarity with English and U.S. commerce. Requiring proceedings in another language would impose undue burden and cost on the Complainant, who has geared its argumentation and evidence around English contexts.

The Respondent did not make any specific submissions with respect to the language of the proceeding. This is despite the fact that the Center has sent the notification of the Complaint which includes instructions on the language of the proceeding to the Respondent in both Chinese and English.

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 the term "deals" 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.

From the overall appearance of the Respondent’s Website as described in section 4 above, the Panel finds that the Respondent’s Website is used for illegitimate activities through attempted impersonation for the following reasons:

- (a) the Mark is reproduced on the Respondent’s Website in a prominent manner to give an impression of affiliation, but the Respondent has never been licensed or otherwise permitted to do so;
- (b) by purporting to offer nipple cover products and related accessories identical to those of the Complainant on the Respondent’s Website, the Respondent intends to create confusion to customers.

Particularly in regards to the three illustrative examples of legitimate interests in paragraph 4(c) of the Policy, the Panel finds that:

- (a) the Respondent has not used the Disputed Domain Name in connection with a bona fide offering of goods or services, as the Panel has ruled that the Respondent’s Website is being used for illegal or illegitimate activities impersonating the Complainant;
- (b) the Disputed Domain Name does not correspond with the Respondent’s name (i.e., “鲁旺龙 (Wanglong Lu)”), and there is no evidence of the Respondent operating any business or organization with similar name as the Disputed Domain Name; and
- (c) the Respondent’s use of the Disputed Domain Name does not fall within the scope of legitimate noncommercial or fair use, as the Respondent’s Website is being used for illegal or illegitimate activities impersonating 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.

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.

The Panel finds that the circumstances of registering and using the Disputed Domain Name clearly demonstrate the Respondent's bad faith and have constituted the situation as specified in paragraph 4(b)(iv) of the Policy:

- (a) the Mark has been registered since 2003, more than 20 years before the Respondent's registration of the Disputed Domain Name which is confusingly similar to the Mark;
- (b) taking into account the fact that the Respondent's Website purports to sell nipple covering products and accessories identical to those of the Complainant, the Respondent is likely to have actual knowledge of the Mark at the time of registering the Disputed Domain Name;
- (c) as found in Section 6.2.B above, the Respondent's Website is being used for illegal or illegitimate activities impersonating the Complainant, and thus the Respondent's bad faith is manifestly apparent. [WIPO Overview 3.0](#), section 3.4;
- (d) a presumption of bad faith is created from the fact that the Respondent, being an unaffiliated individual with the Complainant, registered the Disputed Domain Name which is confusingly similar to the famous Mark, without any possible justification, particularly noting the discussion in Section 6.2.B above. [WIPO Overview 3.0](#), section 3.1.4;
- (e) there is no reasonable connection or association between the Respondent and the Disputed Domain Name based on the case record; and
- (f) the risk of confusion arises from the composition of the Disputed Domain Name.

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 <nippiesdeals.com> be transferred to the Complainant.

*/Andrew Sim/*

**Andrew Sim**

Sole Panelist

Date: July 15, 2025