

ADMINISTRATIVE PANEL DECISION

Fruit of the Loom, Inc. v. 朱杰 朱杰 (jie zhu)

Case No. D2025-2014

1. The Parties

The Complainant is Fruit of the Loom, Inc., United States of America, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 朱杰 朱杰 (jie zhu), China.

2. The Domain Name and Registrar

The disputed domain name <spaldinggears.com> is registered with Chengdu West Dimension Digital 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 21, 2025. On May 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 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 in English on June 2, 2025.

On May 27, 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 June 2, 2025, the Complainant requested English to 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 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 in Chinese and English of the Complaint, and the proceedings commenced on June 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 9, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on July 16, 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 company headquartered in the United States of America and was founded in 1851 when brothers Benjamin and Robert Knight bought their first mill and started producing cotton cloth and textiles in Warwick, Rhode Island. Today, more than 170 years later, the Complainant is a global underwear and casualwear business operating in 44 countries. The Complainant states that, as part of the Berkshire Hathaway Group, the Complainant is classed as one of the largest manufacturers and marketers of men's and boys' underwear, women's and girls' underwear, printable T-shirts and fleece for the activewear industry, casualwear, socks, slippers, and childrenswear, and that the Complainant currently employs more than 32,400 people worldwide. The SPALDING brand and trademarks, used mainly on apparel products, are owned by SGG Lisco LLC, a subsidiary of the Complainant and refer to Albert Goodwill Spalding who began his professional baseball career in 1871, pitching for the Boston Red Stockings, dominating the sport and leading the league in wins every year during his career.

SGG Lisco LLC holds several trademark registrations for SPALDING around the world, including, but not limited to Chinese Trademark Registration No. 781698 (figurative mark), with a registration date of October 7, 1995; and European Trademark Registration No. 004094215 (word mark), with a registration date of July 31, 2006. The Complainant operates its online business for SPALDING-branded products mainly via its website at "www.spalding.com", and also actively promotes and advertises its goods and services through social media platforms such as Facebook, Instagram, X, YouTube, and LinkedIn.

The disputed domain name was registered on December 3, 2023, and is therefore of a considerably later date than the Complainant's SPALDING marks. The Complainant provides evidence that the disputed domain name was used to host a website with the same overall look and feel as the Complainant's actual website, prominently featuring the Complainant's SPALDING trademark and logo, and offering for sale what were purported to be the Complainant's products. However, the Panel notes that on the date of this Decision, the disputed domain name directs to an inactive 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 name.

Notably, the Complainant contends that it is the owner of various registered trademarks for SPALDING. The Complainant asserts that the disputed domain name is confusingly similar to the abovementioned trademarks since it incorporates such marks in their entirety, adding only the descriptive word "gears".

As to absence of rights or legitimate interests, the Complainant essentially contends that the Respondent is not commonly known under the disputed domain name, nor is the Respondent affiliated with or authorized by the Complainant in any way and that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant also argues that the Respondent creates a likelihood of confusion

with the Complainant and its trademarks by using a confusingly similar domain name to host a website, with the same overall look and feel as the Complainant's actual website, and prominently featuring the Complainant's SPALDING trademark and logo, with the Respondent then attempting to profit from such confusion by purporting to sell the Complainant's own products.

As to bad faith, the Complainant essentially contends that the Respondent attempted to impersonate the Complainant with the intent to trade on the Complainant's recognition and goodwill and constitutes a disruption of Complainant's business and qualifies as bad faith registration. The Complainant also argues that the Respondent's efforts to pass itself off as the Complainant and that by using the disputed domain name, the Respondent was intentionally targeting the Complainant and its SPALDING marks. The Complainant adds that the disputed domain name currently resolves to an inactive site and is not being used, and that in this case the passive holding of the disputed domain name constitutes a factor in finding bad faith registration and use pursuant to the Policy. The Complainant essentially argues that such use made of the disputed domain name does not confer any rights or legitimate interests and that it proves that the Respondent has registered and used the disputed domain name in bad faith. Finally, the Complainant also argues that the Respondent has been involved in a number of prior UDRP cases, which provides evidence of the pattern of cybersquatting in which the Respondent is engaging.

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 Complainant is allegedly unable to communicate in Chinese and translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter; that the disputed domain name is comprised of Latin characters; that the website previously reachable through the disputed domain name featured various phrases in English including "Unlock exclusive savings" and "Free shipping on all orders over \$50.00" and that the Respondent has been involved in numerous prior UDRP proceedings, all of which have been held in English, see for example *LEGO Juris A/S v. 朱杰 (jie zhu)*, WIPO Case No. [D2023-5391](#).

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, "gears", 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.

The Panel has also reviewed the use made of the disputed domain name by the Respondent and notes that the disputed domain name was used to host a website with the same overall look and feel as the Complainant's actual website and prominently featuring the Complainant's SPALDING trademark and logo, offering for sale what were purported to be the Complainant's products. In this regard, the Panel notes that panels have consistently held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. As to the fact that the disputed domain name currently directs to an inactive or blank webpage, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain name on the Respondent in this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privée.Com and Vente-Privée.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

Finally, the Panel also finds that the nature of the disputed domain name, being confusingly similar to the Complainant's trademarks and consisting only of the Complainant's trademark combined with the descriptive word "gears", carries a risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant or suggests sponsorship or endorsement by the Complainant (see [WIPO Overview 3.0](#), section 2.5.1).

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 has registered a domain name which is confusingly similar to the Complainant's intensely used and distinctive trademarks, and combined it with the descriptive term "gears". Therefore, the Panel finds that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant's prior well-known trademarks for SPALDING. This finding is incidentally further confirmed by the fact that the Respondent apparently attempted to misrepresent itself as the Complainant or as connected to the SPALDING brands and products through its use of the website which was previously linked to the disputed domain name. The Panel finds that this creates a presumption of bad faith. The Panel also notes that the Complainant's trademarks in this case predate the registration date of the disputed domain name by many years, and that the Respondent could not have been reasonably unaware of them. Furthermore, the Panel notes that even a cursory Internet search at the time of registration of the disputed domain name would have made it clear to the Respondent that the Complainant owned prior rights in its trademarks for SPALDING. In the Panel's view, the above elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, the Complainant provides evidence that the disputed domain name, which is inherently deceptive, previously directed to an active web shop which showed a clear intent on the part of the Respondent to misleadingly pass it off as the Complainant's website. The Panel concludes from these facts that the Respondent was intentionally attracting Internet users for commercial gain to such website, by creating consumer confusion between the website associated with the disputed domain name and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. Further, panels have held that the use of a domain name for illegitimate activity here, claimed 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.

As to the current inactive state of the disputed domain name, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and the prior use of the disputed domain name in connection with an online shop impersonating the Complainant, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Finally, based on the evidence provided, the Panel also agrees with the Complainant that the Respondent has engaged in a pattern of cybersquatting and trademark-abusive domain name registrations, see for instance prior decisions under the Policy such as *BGSD, INC. d/b/a Luxury Lane v. 朱杰 朱杰 (jie zhu)*, WIPO Case No. [D2025-0954](#) and *Hong Kong Sun Rise Trading Limited v. 朱杰 (jie zhu)*, WIPO Case No. [D2024-1619](#).

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 <spaldinggears.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: July 28, 2025