

ADMINISTRATIVE PANEL DECISION

Mark's Work Wearhouse Ltd. v. lu sha
Case No. D2025-2065

1. The Parties

Complainant is Mark's Work Wearhouse Ltd., Canada, represented by Gowling WLG (Canada) LLP, Canada.

Respondent is lu sha, Republic of Korea.

2. The Domain Name and Registrar

The disputed domain name <markssite.shop> (the "Domain Name") is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 23, 2025. On May 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 27, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to Complainant on May 28, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on May 28, 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 Respondent 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. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on June 29, 2025.

The Center appointed John C. McElwaine as the sole panelist in this matter on July 3, 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 a Canadian clothing and footwear retailer specializing in both casual and industrial wear. Relevant to this matter, Complainant owns the following trademark registrations for the MARK'S trademark:

- MARK'S, Canadian Registration No. TMA823396, registered on May 4, 2012, for clothing and retail services; and
- MARK'S, United States of America ("United States") Registration No. 6222243, registered on December 15, 2020, in International Class 35.

Collectively, these registered trademark rights are referred to as the "MARK'S trademark". Respondent registered the Domain Name on April 18, 2025. The Domain Name was used to host an e-commerce website operated under the store name "Vadends" purporting to sell clothing products. On the contact us page of the Respondent's website, it lists a company name Handsome Man in Qin Dynasty Trade Ltd, and an email address [...]@vadends.com.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

As background, Complainant asserts that it is a Canadian clothing and footwear retailer founded in 1977 that has grown to become a leading retailer operating over 380 stores across Canada. Since 2002, Complainant has been a subsidiary of Canadian Tire Corporation, Limited, generating revenues of over CAD 1.5 billion in 2024. Complainant alleges that it operates an e-commerce website at the domain name <marks.com>, which it has used for over 25 years and actively promotes its business through social media platforms.

With respect to the first element of the Policy, Complainant alleges that the Domain Name is confusingly similar to its MARK'S trademark as it incorporates the trademark in its entirety with only the addition of the generic term "site". Complainant contends that in combination with the ".shop" generic Top-Level Domain ("gTLD") extension, Internet users would understand the Domain Name to be referring to a shopping or e-commerce website for MARK'S-brand clothing stores, creating confusion about whether the website is affiliated with Complainant's business.

With respect to the second element of the Policy, Complainant alleges that Respondent has no rights or legitimate interests in the Domain Name. Complainant contends that Respondent is not commonly known by the Domain Name and operates under the "Vadends" business name, not "Mark's" or any variation thereof. Complainant further alleges that Respondent has never been authorized to use the MARK'S trademarks and that the website hosted at the Domain Name copies Complainant's branding while selling unauthorized products. Complainant asserts that third-party sources indicate that the "Vadends" business operates as a fraudulent "non-delivery scam" website that accepts payment for clothing but does not deliver products.

With respect to the third element of the Policy, Complainant asserts bad faith registration and use based on multiple factors. First, Complainant alleges that Respondent registered the Domain Name incorporating Complainant's well-known MARK'S trademark to disrupt Complainant's business and funnel Internet traffic away from Complainant's legitimate website. Second, Complainant contends that Respondent is using the Domain Name to attract Internet users through confusion with Complainant's marks for commercial gain.

Third, Complainant alleges that the Domain Name is connected to fraudulent “scam” activities designed to deceive consumers. Fourth, Complainant asserts that Respondent provided false and contradictory contact information during registration, including listing different countries and providing gibberish address information.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent’s default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules (“If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint”). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules and applicable principles of law, the Panel’s findings on each of the above-cited elements are as follows.

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 Complainant’s trademark and the Domain Name. WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7. Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Complainant has provided evidence of trademark registrations for the MARK’S trademark in Canada and the United States.

The Domain Name incorporates Complainant’s MARK’S trademark in its entirety with only the addition of the dictionary term “site”. Although the addition of the term “site” may bear on the 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 Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

B. Rights or Legitimate Interests

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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy¹ or otherwise.

As an initial matter, there is no evidence that Respondent is commonly known by the Domain Name. The website that resolved from the Domain Name operated under the name "Vadends", and the operator of said website is a company called "Handsome Man in Qin Dynasty Trade Ltd". The Panel therefore finds, based on the record and the lack of evidence otherwise, that Respondent is not commonly known by the Domain Name. See *Moncler S.p.A. v. Bestinfo*, WIPO Case No. [D2004-1049](#) ("the Panel notes that the respondent's name is 'Bestinfo' and that it can therefore not be 'commonly known by the Domain Name'").

In addition, the Panel finds that the purpose of registering the Domain Name was very likely to engage in a fraudulent scheme, which is not a bona fide offering of goods or services. [WIPO Overview 3.0](#), section 2.13.1 ("Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent."); see also, *Startup Group v. Whois Agent, Domain Protection Services, Inc. / Dominique Geffroy*, WIPO Case No. [D2020-3303](#) (finding an employment offer scam to be an example of the use of a domain name for the illegitimate purpose of impersonating the complainant in the furtherance of a fraudulent scheme). Complainant provided evidence from a Scam Directory article that stated that "vadends.com" was a deceptive website and that the people behind it have several such sites, all stolen from real online stores. The article went on to state that their goal is to trick people into paying for things that they never actually plan to deliver. The article further noted that all of the contact information listed on the website appeared to be fake or untraceable.

It is worth noting that Respondent could theoretically have been able to explain its business model or that it had a legitimate interest, as the term "Marks" is a common word, but Respondent never came forward with a response. Although properly notified by the Center, Respondent failed to submit any response on this point. The silence of a respondent may support a finding that it has no rights or legitimate interests in respect of the Domain Name. See *Alcoholics Anonymous World Services, Inc., v. Lauren Raymond*, WIPO Case No. [D2000-0007](#); *Ronson Plc v. Unimetal Sanayi ve Tic.A.S.*, WIPO Case No. [D2000-0011](#). Additionally, previous UDRP panels have found that when respondents have not availed themselves of their rights to respond to complaint, it can be assumed in appropriate circumstances that respondents have no rights or legitimate interests in the domain name at issue. See *AREVA v. St. James Robyn Limoges*, WIPO Case No. [D2010-1017](#); *Nordstrom, Inc. and NIHC, Inc. v. Inkyu Kim*, WIPO Case No. [D2003-0269](#).

The Panel finds that Respondent does not have rights or legitimate interests in the Domain Name and that Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a contested domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy.

The Panel finds evidence of bad faith registration and use based on Respondent's potential operation of a fraudulent scheme and use of false contact information. First, the evidence demonstrates that Respondent very likely registered the Domain Name to operate a "non-delivery scam" website designed to defraud consumers. Third-party sources specifically identify the "Vadends" business operated at the Domain Name as a fraudulent operation that "accepts payment for clothing purchased on its website but does not actually deliver any products". As detailed in Exhibit 10 to the Complaint, "Vadends.com is one of these deceptive websites. The people behind it have several such sites, all stolen from real online stores. Their goal is to trick people into paying for things that they never actually plan to deliver."

This type of fraudulent activity constitutes clear bad faith under the Policy. Panels have categorically held that the use of a domain name for illegal activity, including fraud and other types of scams, demonstrates bad faith registration and use. [WIPO Overview 3.0](#), section 3.4. The potential operation of a non-delivery scam website that takes consumers' money without delivering products falls squarely within this category of illegal activity that can never be considered legitimate use of a domain name. Such activity constitutes a disruption of Complainant's business and also establishes bad faith registration and use pursuant to Paragraph 4(b)(iii) of the Policy. See *Exclusive Books Group (Proprietary) Limited v. aaaa aaaa*, WIPO Case No. [D2025-1653](#) (finding that use of the domain name <exclusivebooksale.com> to link to a website named Vadends and used to purportedly sell clothing is bad faith use of the domain name) [emphasis added]; *Southern Glazer's Wine and Spirits, LLC v. Ao Xue, Cxcer*, WIPO Case No. [D2023-0123](#) (finding using the domain name <sgproof.shop> to resolve to websites that are scams commercial sites is likely to provide a commercial benefit to the respondent by taking unfair advantage of the complainant's rights; and finding in particular, by using the disputed domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy)).

Second, Respondent's use of false and contradictory contact information during domain registration provides additional evidence of bad faith. The registrant information disclosed by the Registrar contains deliberately false details, including listing the country as both "KR" (Republic of Korea) and "中国" (China), providing nonsensical address information such as "fafafafgasfa", and using contact details that do not correspond to any legitimate entity. [WIPO Overview 3.0](#), section 3.2.1, notes that the use of false contact details can be considered as evidence of bad faith registration and use. Panels have consistently found that respondents who deliberately provide false contact information to avoid being contactable demonstrate bad faith conduct, particularly when combined with other evidence of illegitimate activity. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

Third, the evidence shows that the company address listed on the website is also false, as it "belongs to an Indian restaurant which has issued a statement dissociating itself from the fraudulent website. This pattern of using false addresses and contact information across multiple aspects of the operation demonstrates a deliberate attempt to conceal the true identity of the operators and avoid accountability for their fraudulent activities.

The Panel finds that Respondent's registration and use of the Domain Name very likely to operate a fraudulent non-delivery scam, combined with the systematic use of false contact information, constitutes clear evidence of bad faith under paragraph 4(b)(iv) of the Policy. Respondent intentionally registered the Domain Name incorporating Complainant's trademark to attract consumers through confusion and then used the resulting website traffic to perpetrate fraud against those consumers.

For these reasons, the Panel holds that Complainant has met its burden of showing that Respondent registered and is using the Domain Name in bad faith under paragraph 4(a)(iii) 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 Domain Name <markssite.shop> be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: July 17, 2025