

ADMINISTRATIVE PANEL DECISION

Harley-Davidson Motor Company, Inc. v. 黄文杰 (Wen Jie Huang)
Case No. D2025-2076

1. The Parties

The Complainant is Harley-Davidson Motor Company, Inc., United States of America, represented by Briffa., United Kingdom.

The Respondent is 黄文杰 (Wen Jie Huang), China.

2. The Domain Name and Registrar

The disputed domain name <harley-davidsonsale.shop> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed in English 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 disputed domain name. On May 27, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

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 May 31, 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 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 English and Chinese of the Complaint, and the proceedings commenced on June 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 25, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on July 2, 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 leading motorcycle manufacturer and has been in business for more than a century. According to Global Brands, the Complainant's HARLEY-DAVIDSON trademark is the fourth most valuable brand in the field of motorcycles. The Complainant's gross sales in 2024 exceeded USD 5 billion.

The Complainant owns a large international trademark portfolio for HARLEY-DAVIDSON, including: United Kingdom Registration number UK00001271222 for the mark HARLEY-DAVIDSON, registered on September 30, 1988 in connection with, among other things, "jackets, trousers, belts" and United Kingdom Registration Number UK00901172329 for the mark HARLEY-DAVIDSON, registered on August 7, 2000 in connection with, among other things, "vehicles, [...], motorcycles, motorcycle engines and accessories for motorcycles." The Complainant also owns a domain name portfolio relating to these marks including <harley-davidson.com> registered since 1994 and uses that domain name to host a commercial website and promote its products. The Complainant also has a strong online presence, with more than 12 million Facebook followers, 5.7 million Instagram followers, and 498,000 X followers.

The disputed domain name was registered on February 17, 2025 and the Complainant provides evidence that it was used to host a website displaying a logo that was virtually identical to the Complainant's logo, and purportedly offering for sale HARLEY-DAVIDSON-branded products at discounted prices. 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 the disputed domain name completely incorporates its trademarks with the mere addition of the term "sale" which is descriptive, or generic. Particularly, as to the Respondent's absence of rights or legitimate interests, the Complainant contends that the Respondent is not commonly known under the name HARLEY-DAVIDSON, nor has the Respondent acquired any trademark or service mark rights in this mark, that the Respondent is not affiliated with the Complainant in any way and that the Complainant has not licensed or otherwise permitted the Respondent to use the HARLEY-DAVIDSON trademark. The Complainant also contends that the Respondent creates an implied affiliation with the Complainant where none exists, that the disputed domain name was obtained to take advantage of the trademarks and that the disputed domain name is being used in relation to illegal activity, namely the sale of counterfeit goods. As to bad faith, the Complainant essentially argues that the Respondent has knowingly registered the disputed domain name incorporating its well-known trademarks and that use of the disputed domain name in these circumstances constitutes use in bad faith of the disputed domain name.

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 is written in Latin characters rather than Chinese, which allegedly shows that the Respondent understands English; that the content on the website located on the disputed domain name is in English; that the words that the disputed domain name comprises of “Harley” + “Davidson” + “sale” + “shop” have no meaning in Chinese; and that the Complainant is not a Chinese entity and has limited knowledge of Chinese and that accordingly, conducting the proceedings in Chinese rather than English would require the Complainant to incur significant translation costs which would be unfair given the Respondent’s knowledge of English.

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 Findings on the Merits

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, “sale”, 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 considered the Complainant’s evidence, from which it is clear that the disputed domain name was used to host a website purportedly selling HARLEY-DAVIDSON-branded products that are allegedly counterfeit products, since they were being sold at prices far lower than authentic goods originating from the Complainant and include goods that the Complainant does not even manufacture or license to have manufactured. In this regard, panels have consistently held that the use of a domain name for illegal activity here, claimed sale of counterfeit goods can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Additionally, the Panel also agrees with the Complainant 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 “sale”, carries a risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant ([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 well-known trademarks, see in this regard also previous decisions under the Policy which have recognized that the Complainant’s marks are well known, such as *Harley-Davidson Motor Company, Inc. v. Zhuang zi Mountain*, WIPO Case No. [D2025-0087](#) and *Harley-Davidson Motor Company, Inc. v. AAA BBB, Domain Administrator*, WIPO Case No. [D2024-4660](#). Therefore, the Panel finds that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant’s prior used and registered well-known trademarks for HARLEY-DAVIDSON. This finding is incidentally further confirmed by the fact that the Respondent apparently attempted to sell allegedly HARLEY-DAVIDSON-branded counterfeit 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 HARLEY-DAVIDSON. 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.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed sale of counterfeit goods constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel notes that on the date of this Decision, the disputed domain name refers to an inactive website. 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 fame of the Complainant's trademark and the composition of the disputed domain name 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.

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 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 <harley-davidsonsale.shop> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: July 10, 2025