

## **ADMINISTRATIVE PANEL DECISION**

The Cramer-Krasselt Co. v. lee Hoynovsky, Record Town  
Case No. D2025-2280

### **1. The Parties**

The Complainant is The Cramer-Krasselt Co., United States of America (“United States”), represented by Frankfurt Kurnit Klein & Selz, PC, United States.

The Respondent is lee Hoynovsky, Record Town, United States.

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

The Disputed Domain Names <c-kapp.com>, and <c-kbd.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 11, 2025. On June 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On June 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names 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 June 13, 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 Complaint on June 13, 2025.

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 of the Complaint, and the proceedings commenced on June 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 9, 2025.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on July 25, 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**

Founded in 1898, the Complainant is an advertising and creative agency. The Complainant, one of the largest independent agencies in the United States, provides strategic advertising, marketing, public relations, promotional, and integrated media services to its clients.

The Complainant owns the <c-k.com> domain name, and the webpage associated with that domain name provides consumers with information about the Complainant and its advertising and creative agency services.

The Complainant holds United States trademark No. 6031929 for the CK stylized mark (the "CK Mark"), registered on April 14, 2020, with first use commencing in 1898.

The Complainant holds United States trademark No. 3882120 for the CRAMER-KRASSELT word mark (the "CRAMER-KRASSELT Mark"), registered on November 30, 2010, with first use commencing in 1898.

The Complainant holds United States trademark No. 5844484 for the CK CRAMER-KRASSELT stylized mark (the "CK CRAMER-KRASSELT Mark"), registered on August 27, 2019, with first use commencing in 2002.

The CK Mark and the CRAMER-KRASSELT Mark have been in continuous, exclusive use by the Complainant for over one century.

The CK CRAMER-KRASSELT Mark has been in continuous, exclusive use by the Complainant for over two decades.

The Disputed Domain Names were created on March 3, 2025.

The Disputed Domain Name <c-kapp.com> resolves to a website which uses the Complainant's logo and other federally registered trademarks including CK Mark, displays the Complainant's address, and provides information about the Complainant and the C-K App.

The Disputed Domain Name <c-kbd.com> resolves to a website which uses Complainant's federally registered CK Mark asking for a user's phone number and password to log in.

#### **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 names.

Notably, the Complainant contends that the Disputed Domain Name <c-kapp.com> contains the Complainant's entire and substantially identical CK Mark in addition to the descriptive term "app." The Disputed Domain Name <c-kbd.com> also contains the Complainant's entire and substantially identical CK Mark. The CK Mark is uniquely and solely owned by the Complainant. The Disputed Domain Names create an identical commercial impression as the CK Mark, and are substantially identical thereto in sight, sound, and meaning.

The Respondent had years of constructive notice of the CK Mark before the Respondent registered the Disputed Domain Names. The Respondent cannot claim or show any rights to the Disputed Domain Names that are superior to the Complainant's rights in the CK Mark.

The Respondent is not commonly known by the Disputed Domain Names or the CK Mark, and has not acquired any legitimate trademark or service mark rights in the CK Mark.

The Respondent is infringing the Complainant's marks, impersonating the Complainant, and not making a legitimate noncommercial or fair use of the Disputed Domain names.

The Disputed Domain Names and the websites associated with the Disputed Domain Names are being used to mislead or divert consumers and to falsely lure consumers into believing that the Disputed Domain Names and their associated websites emanate from the Complainant.

The Respondent registered the Disputed Domain Names in bad faith. The Respondent had years of constructive notice of the CK Mark before it registered the Disputed Domain Names. The website displayed on the Disputed Domain Name <c-kapp.com> is substantially similar to the Complainant's website.

The Respondent has or is intentionally attempting to attract, for its own commercial gain, Internet users to its website by creating a likelihood of confusion with the CK Mark. Alternatively, the Respondent registered the Disputed Domain Names solely for the purpose of reselling them to Complainant, or to prevent the Complainant from reflecting its mark in the corresponding domain names, or primarily for the purpose of disrupting the Complainant's business.

The Complainant is also concerned that the Respondent uses the Disputed Domain Names in phishing or other nefarious attacks on the Complainant's large client base. Actual consumer confusion has already occurred. The Complainant has become aware of consumer confusion and has received inquiries from consumers about whether the Disputed Domain Names are affiliated with the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

The Complainant has demonstrated it owns registered trademark rights in its CK Mark. The addition of a hyphen and the terms "app" and "bd" does not prevent a finding of confusing similarity as the Complainant's CK Mark is clearly recognizable in the Disputed Domain Names. See sections 1.7 and 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0").

Accordingly, the Disputed Domain Names are confusingly similar to a mark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names and has not been commonly known by the Disputed Domain Names. The fact that the Respondent obtained the Disputed Domain Names years after the Complainant had begun using its CK Mark indicates the Respondent sought to piggyback on the Complainant for illegitimate reasons. The evidence provided by the Complainant shows that the Disputed Domain Names resolved to websites seemingly impersonating the Complainant by featuring the Complainant's trademark and logo, with the Disputed Domain Name <c-kbd.com> even apparently in an attempt to convince users to

provide sensitive login information. Such use is clearly not a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. D2003-0455.

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Names.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Names, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Disputed Domain Names were registered years after the Complainant first registered and used its CK Mark. The evidence on the record provided by the Complainant, including the extent of use its trademark, and the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Disputed Domain Names were registered, the Respondent undoubtedly knew of the Complainant's CK Mark.

There is prima facie no reason for the Respondent to have registered the Disputed Domain Names using the Complainant's CK Marks with the term "app" (a well-known acronym for "application") and the letters "bd" which is short for "board". The Disputed Domain Names are currently inactive, but the Complainant has shown that they resolved to web pages which falsely appear to be a web page for, or associated with, the Complainant, by prominently displaying the CK Marks and logo as well as listing the Complaint's address. UDRP panels have found that given that the use of a domain name for per se illegitimate activity such as impersonation/passing off can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. See section 3.1.4 of the WIPO Overview 3.0. Moreover, it is clear that the Respondent sought to attract Internet users to its websites by creating a likelihood of confusion with the Complainant's mark, likely for the Respondent's commercial gain, which is evidence of bad faith registration and use under Policy paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the Complainant has satisfied 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 Disputed Domain Names <c-kapp.com> and <c-kbd.com> be transferred to the Complainant.

/Colin T. O'Brien/

**Colin T. O'Brien**

Sole Panelist

Date: August 11, 2025