

ADMINISTRATIVE PANEL DECISION

8937001 Canada Inc. v. James Knight, VICE LLC
Case No. D2025-2422

1. The Parties

The Complainant is 8937001 Canada Inc., Canada, represented internally.

The Respondent is James Knight, VICE LLC, United States of America.

2. The Domain Name and Registrar

The disputed domain name <vicedisposablevape.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 20, 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 on June 20, 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 the Respondent of the Complaint, and the proceedings commenced on June 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2025. On June 26, 2025, a third party sent an email communication to the Center. The Center informed the Parties of the commencement of panel appointment on July 15, 2025. On July 15, 2025, the Complainant sent email communications to the Center.

The Center appointed Adam Taylor as the sole panelist in this matter on July 18, 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 the exclusive distributor of electronic vaping devices and related products in Canada under the mark VICE DISPOSABLE.

The Complainant owns Canadian trade mark No. TMA1,316,019 for VICE DISPOSABLE, filed on December 24, 2021, and registered on May 23, 2025, in classes 9 and 34, and International Trade Mark Registration for VICE, registered on November 2, 2022.

The Complainant operates a website at “www.vice-disposable.com”.

The disputed domain name was registered on June 1, 2024.

The disputed domain name has been used to resolve to a website branded with a “vice” logo, identical to the logo on the Complainant’s site. The Respondent’s website purported to offer vaping products for sale under the heading “Welcome to VICE Vape: Your Premier Vaping Destination”. The Respondent’s homepage included an image of one of the Complainant’s products with a blue/turquoise background that was similar to an image on the Complainant’s site.

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.

B. Respondent

The Respondent did not reply to the Complainant’s contentions. On June 26, 2025, the Center received a communication from a third party stating: “I need a copy of the complaint filed against me”.

6. Discussion and Findings

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the VICE 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 terms (“disposable” and “vape”) 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 recognised 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the disputed domain name to impersonate the Complainant. Such use of the disputed domain name is not bona fide.

As to paragraph 4(c)(ii) of the Policy, there is no evidence that the Respondent is commonly known by the corporate name VICE, LLC (assuming such entity exists).

Nor is there any evidence that paragraphs 4(c)(iii) of the Policy is relevant in the circumstances of this case.

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 considers that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant’s trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Not only does the disputed domain name include the Complainant’s distinctive mark and terms associated with the Complainant’s products, but the Respondent has used the disputed domain name for a website that impersonates the Complainant including by prominent use of the Complainant’s exact logo, by describing itself as “VICE Vape” and by the use of a product image that is strikingly similar to one on the Complainant’s site.

Furthermore, the Respondent has not come forward to explain or defend its behaviour.

The Panel finds the third element of the Policy has been established.

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 <vicedisposablevape.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: August 1, 2025