

ADMINISTRATIVE PANEL DECISION

Creative Co-op, Inc. v. 鲁旺龙 (Lu Wang Long)

Case No. D2025-2553

1. The Parties

The Complainant is Creative Co-op, Inc., United States of America (“U.S.”), represented by Nolan Heimann LLP, U.S.

The Respondent is 鲁旺龙 (Lu Wang Long), China.

2. The Domain Name and Registrar

The disputed domain name <bestcreativecoop.com> is registered with Vantage of Convergence (Chengdu) Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 30, 2025. On July 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 2, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 the Complaint in English on July 9, 2025.

On July 4, 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 July 9, 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 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 in Chinese and English of the Complaint, and the proceedings commenced on July 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 10, 2025.

The Center appointed Francine Tan as the sole panelist in this matter on August 14, 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 owner of the CREATIVECO-OP trade mark. The Complainant states it owns U.S. trade mark registration No. 4454480 for CREATIVECO-OP covering goods in Classes 6, 11, 14, 20, 21, 24 and 28. The registration date is December 24, 2013.

The Complainant has marketed and sold its products using the said trade mark in commerce, including through its online store at "www.creativecoop.com". The online store sells home furnishings, furniture, lighting, beddings, wall decorations, gardening accessories, amongst other items.

The disputed domain name was registered on October 23, 2024, and at the time of filing of the Complaint, resolved to an online store offering the same range of products.

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:

- (1) The disputed domain name is identical to and/or confusingly similar to the Complainant's CREATIVECO-OP trade mark, which the Complainant has extensively used in commerce since 2006.
- (2) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not licensed or authorized by the Complainant to use the Complainant's CREATIVECO-OP trade mark. The Respondent cannot assert any pre-existing right or interest in the CREATIVECO-OP trade mark. The Respondent must have known of the Complainant prior to registering the disputed domain name. Every product that the Respondent appears to sell at its online store is a product sold on the Complainant's own online store. There is no bona fide offering of goods or services by the Respondent as it sells competing products while capitalizing on the well-known CREATIVECO-OP trade mark of the Complainant. There is no evidence that the Respondent is commonly known as "bestcreativecoop.com".
- (3) The disputed domain name was registered and is being used in bad faith. By the time the Respondent registered the disputed domain name, the Complainant had been using the CREATIVECO-OP trade mark for more than 18 years. Any claim by the Respondent that it was unaware of the Complainant's interest in the trade mark would be untrue. The Respondent uses the CREATIVECO-OP trade mark on each of its webpages. The Respondent is using the disputed domain name to impersonate the Complainant or to create the consumer impression that it is an authorized "Creative Co-op" retail outlet, to capitalize off the success and reputation of the Complainant.

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 in view of the fact that the disputed domain name wholly contains English words, and the content of the Respondent's website is entirely in English. This shows the Respondent's proficiency in English. Having to translate the Complaint into Chinese would impose a substantial financial burden and unnecessarily delay this proceeding.

The Respondent did not make any 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.

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 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 Panel finds the mark is recognizable 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 "best" 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 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.

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 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. The Respondent used the Complainant's trade mark on its website and even copied the specific design and font which the Complainant uses for its online store. The Respondent's website is clearly an imitation of the Complainant's online store. It adopts a highly similar look-and-feel and offers the same type of goods which the Complainant offers. This is an obvious case of registration and use in bad faith.

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 <bestcreativecoop.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: August 25, 2025