

ADMINISTRATIVE PANEL DECISION

Universal Yarn, Inc. v. xiao qi, d's'da's'da's'd dasd
Case No. D2025-2597

1. The Parties

The Complainant is Universal Yarn, Inc., United States of America (“United States”), represented by Nelson Mullins Riley & Scarborough LLP, United States.

The Respondents are xiao qi, United States, and d's'da's'da's'd dasd, United States.

2. The Domain Names and Registrar

The disputed domain names <premieryarnse.shop> and <premieryarnses.shop> are registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2025. On July 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 4 and 8, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on July 10, 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 Respondents of the Complaint, and the proceedings commenced on July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on August 5, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on August 8, 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 yarn company that provides yarn products for knitters, crocheters, and all fiber artists. Founded in 2005, they have provided these products under the PREMIER brand since the Complainant's founding. The Complainant is the owner of United States trademark PREMIER, United States Patent and Trademark Office ("USPTO") Registration No. 3183806, registered December 12, 2006, in class 23 for "knitting yarns".

The Complainant registered the <premieryarns.com> domain name on August 22, 2005, and has continually used the domain name as the primary location of its business presence online, using the domain name to advertise, market, promote, and sell the Complainant's products on the Internet and to serve as the domain name to host the email addresses for the Complainant's business operations.

The Respondents registered the disputed domain names on the following dates:

- <premieryarnses.shop> on November 27, 2024
- <premieryarnse.shop> on February 19, 2025

The disputed domain names resolve to separate active websites that contain what the Complainant contends are unauthorized, misappropriated, and infringing uses of the Complainant's PREMIER trademark to sell yarn 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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's PREMIER trademark that was registered in the United States in 2006. The disputed domain names comprise the Complainant's PREMIER trademark in its entirety followed by the misspellings of the generic/descriptive word "yarns", a word directly associated with the Complainant's business. The misspellings add the letters "e" and "es" to "premieryarns", along with the generic Top-Level Domain ("gTLD") ".shop".

The Complainant further avers that the Respondents have no rights or legitimate interests in the disputed domain names. The Respondents are not commonly known by the names "premier", "premier yarns", "premier yarnse" or "premier yarnses". The Complainant has not authorized the Respondents to use the PREMIER Mark, nor are the Respondents licensees of the PREMIER Mark nor are the Respondents affiliated in any manner with the Complainant.

The Respondents are not using the disputed domain names in connection with a bona fide offering of goods or services, nor making a fair use, as the Respondents are using the disputed domain names to resolve to websites that intentionally mimic or try to create a sense of affiliation with the Complainant's own website. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.5.1. The Respondents operate an apparent online e-commerce site allegedly offering the Complainant's products, however, this is just pretextual bait to lure in victims for the Respondents' scam to obtain victims' financial information, namely, phishing for debit and credit card information. Such use of the

disputed domain names for impersonation/passing off, phishing, or other types of fraud can never establish rights or legitimate interest in the disputed domain names. [WIPO Overview 3.0](#), section 2.13.

Additionally, the Respondents have intentionally falsified Whois information, from which the Panel can further infer the Respondents' lack of any rights or legitimate interest in the disputed domain names, and infer the Respondents' intentional acts of evading detection and identification.

Lastly, the Complainant argues that the disputed domain names were registered and are being used in bad faith. Panels have found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity, and which comprises typos, can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

As previously discussed, the Respondents have been using the disputed domain names to host websites in furtherance of a phishing scam in order to fraudulently obtain victims' credit and debit card information. Such use in furtherance of illegal activities are evidence of bad faith registration and use of the disputed domain names. See [WIPO Overview 3.0](#), section 3.4.

Panels have found bad faith registration and use of a domain name to host websites that mimic and create a false sense of affiliation with the Complainant. See *Dylos Corporation v. Yang*, WIPO Case No.

[D2015-1959](#). Lastly, the intentional falsifying Whois information is evidence from which the Panel can infer the Respondents' intentional acts of evading detection and identification. See [WIPO Overview 3.0](#), section 3.2.1.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that both of the disputed domain names were registered within a three-month period through the same registrar. The disputed domain names use a similar naming convention, both starting with the Complainant's PREMIER mark combined with misspellings of the word "yarns", namely, "yarnse" or "yarnses". The Respondents have used the same hosting company to host the websites. Both websites give the appearance of an association or affiliation with the Complainant, with both operating similarly looking e-commerce sites. The Whois information for the disputed domain names appears to be falsified. The information provided for <premieryarnse.shop> is nonsensical gibberish and the address listed in the Whois information for <premieryarnses.shop> is a non-existent address.

Additionally, the Complainant provided evidence of test purchases with the results reflecting that the disputed domain names are being used to run an identical phishing scam to collect purchasers' financial information, namely, debit and credit card information, never completing a purchaser's order, and then subsequently attempting to use the stolen credit or debit card information to make purchases on the Respondents' behalf. Lastly, neither of the Respondents filed an objection to the request for consolidation, and neither filed a response to the Complaint or the Complainant's allegations.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 names. [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 Panel finds the Complainant's PREMIER mark is recognizable within the disputed domain names. The addition of the term "yarns" would not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.8. Additionally, the intentional misspelling of "yarns", a term related to the Complainant's products, by adding an "e" or "es" does not prevent a finding of confusing similarity. [WIPO Overview 3.0](#), section 1.9. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Complainant has provided evidence of test purchases from both websites at the disputed domain names, with the results showing that the products ordered were not received, and that the provided debit and credit information was subsequently used to attempt to make purchases on the Respondent's behalf.

Additionally, the resolving websites at both of the disputed domain names attempt to mimic the Complainant's images, without any disclaimers, thereby attempting to pass itself off as the website of the Complainant to confuse consumers seeking the Complainant and its products.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: phishing, impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 disputed domain names were registered many years after the Complainant obtained trademark rights in its PREMIER mark. The addition of the term "yarns" (with misspellings of additional letters "e" or "es"), combined with the resolving website containing images mimicking the Complainant's products, reflects that the Respondent was clearly targeting the Complainant when registering and using the disputed domain names. The Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

As previously noted, the Complainant provided evidence of test purchases from each website, with the results showing that the Respondent was using the disputed domain names for an attempted phishing scheme. The Respondent never provided the purchased products, and the Respondent subsequently used the provided financial information to attempt to make purchases on the Respondent's behalf.

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 illegitimate activity, here, claimed as applicable to this case: phishing, impersonation/passing off, or other types of fraud, 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 names 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 names <premieryarnse.shop> and <premieryarnses.shop> be transferred to the Complainant.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: August 22, 2025