

ADMINISTRATIVE PANEL DECISION

Marc Cain GmH v. zheng liu, MorningGo Media Limited
Case No. D2025-2632

1. The Parties

The Complainant is Marc Cain GmH, Germany, represented by Heuking Kühn Lüer Wojtek PartmbB, Germany.

The Respondent is zheng liu, MorningGo Media Limited, China.

2. The Domain Name and Registrar

The disputed domain name <marccaln.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 4, 2025. On July 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 4, 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 (Domain Administrator, See Privacy Guardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 8, 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 on July 11, 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 July 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 5, 2025.

The Center appointed Haig Oghigian as the sole panelist in this matter on August 13, 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, Marc Cain GmbH, is German fashion company specializing in women's fashion and accessories. In connection with its business, the Complainant is the owner of a significant number of trademark registrations that consist of or comprise MARCCAIN, which it has used for over 50 years. These trademarks are specifically registered for products including "perfumery, essential oils, cosmetics, leather and imitation leather, products made from these materials not included in other classes; trunks and suitcases, umbrellas and parasols, clothing, footwear, headgear".

The Complainant owns numerous trademark registrations for MARC CAIN and MARCCAIN, such as but not limited to:

| Trademark | Authority | Registration Number | Registration Date |
|---|---------------|---------------------|-------------------|
| MARC CAIN | Germany | 302012001399 | March 12, 2012 |
|  | International | 629339 | November 25, 1994 |
| MARC CAIN | | | |
| MARC CAIN | China | 14034532 | March 20, 2015 |

The Complainant operates its website at "marc-cain.com" and others.

The disputed domain name <marccain.com> was registered by the Respondent on February 26, 2025.

The Respondent is zheng liu, MorningGO Media Limited, located in Hong Kong, China.

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 is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns numerous trademark registrations for MARC CAIN, which predate the registration of the disputed domain name by the Respondent by several years at minimum. The Complainant adds that their rights to these marks are specifically registered for the sale of the same class of goods which the Respondent was using the disputed domain name to sell. The Complaint states that the relevant trademark, MARC CAIN is contained within the disputed domain name, though with the similar letter "I" replacing the letter "i". The Complainant therefore submits that the MARC CAIN trademark is reproduced in the disputed domain name and that as a case of typosquatting, does not prevent a finding of confusing similarity.

-The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant argues that they have demonstrated rights to the mark contained within the disputed domain name, and have never licensed the trademark to the Respondent, or have ever licensed or otherwise

given permission for the creation of the disputed domain name. The Complainant states that rather, the Respondent registered the disputed domain name with the intention of selling goods similar to those that the Complainant sells, with the specific intention of implying association or affiliation with the Complainant. The Complainant further argues that the Respondent's web shop, operated at the disputed domain name, appears to be for the German market as the text of the site is in the German language (though with errors). The Complainant notes that despite the Respondent's web shop being for the German market, it fails to comply with several legal requirements for online business in Germany, which demonstrates bad faith use of the disputed domain name. Lastly, the Complainant argues that the lack of legal guarantees as prescribed in German law create the conditions for scams and other illegitimate uses of user data obtained through the disputed domain name.

-The disputed domain name was registered and used in bad faith.

The Complainant states that the disputed domain name reproduces the Complainant's mark, while having no relationship to that mark, which has the potential to disrupt the Complainant's business and therefore constitutes bad faith registration. The Complainant adds that the use of typosquatting in the disputed domain name further demonstrates bad faith use, as it shows that the Respondent was intentionally attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant and the Complainant's marks. Lastly the Complainant argues that the Respondent was using the website to harm users as a result of this confusion, while also harming the Complainant through the offering of goods in direct competition with the Complainant while simultaneously using the Complainant's marks.

B. Respondent

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

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 trademark 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 trademark 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](#), sections 1.7 and 1.9.

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.

In the present case, the Panel notes that the Respondent acted in bad faith as they reproduced, without authorization, the Complainant's mark MARC CAIN though with a misspelling. The Panel adds that despite the misspelling, the mark remains recognizable in the disputed domain name and indicates bad faith registration and use. [WIPO Overview 3.0](#), section 3.1.4. The Panel further notes that the Respondent's use of a German language website and selling women's clothing and accessories further demonstrates bad faith use as the Complainant is based in Germany and primarily operates in the same industry – women's clothing and accessories. This points to both knowledge of the Complainant and their marks, and an attempt to compete with the Complainant while using the Complainant's marks without authorization, a clear example of bad faith registration and use.

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.

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 <marccaln.com> be transferred to the Complainant.

*/Haig Oghigian/
Haig Oghigian
Sole Panelist
Date: August 25, 2025*