

ADMINISTRATIVE PANEL DECISION

Coats & Clark Inc. v. 郭星 (Guo Xing)

Case No. D2025-2763

1. The Parties

The Complainant is Coats & Clark Inc., United States of America ("United States"), represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is 郭星 (Guo Xing), China.

2. The Domain Name and Registrar

The disputed domain name <redheartstore.com> is registered with Tencent Cloud Computing (Beijing) Limited Liability Company (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 14, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 15, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 in English on July 18, 2025.

On July 15, 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 18, 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 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 in Chinese and English of the Complaint, and the proceedings commenced on July 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 18, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on August 21, 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 supplies yarn and craft products. It holds multiple trademarks in multiple jurisdictions, including the following:

- Canadian trademark registration number TMA107361 for RED HEART, registered on July 19, 1957 in respect of certain knitting yarn; and
- Canadian trademark registration number TMA1047000 for RED HEART and design (the "Red Heart logo"), registered on August 6, 2019, in respect of yarns, threads, and other goods.

The above trademark registrations are current. The Complainant also holds the domain name <redheart.com> and used it from 2008 in connection with a website that prominently displayed the Red Heart logo and provided information about the Complainant's RED HEART products. The Complainant's business was acquired by Spinrite Inc. in 2019 and the Complainant's domain name now redirects to the domain name <yarnspirations.com>, which resolves to a website that provides information about RED HEART and other brands of yarn and craft products.

The Respondent is an individual based in China.

The disputed domain name was registered on June 15, 2024. It resolves to a website in English that repeatedly displays the Complainant's RED HEART mark with the ® symbol, prominently displays the Complainant's Red Heart logo, and offers yarn products for sale. The website provides contact information that differs from the Complainant's contact information, and displays a contact form that invites Internet users to provide their name and email address.

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 confusingly similar to its RED HEART trademark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent's fake "Red Heart" website purports to be that of the Complainant and promotes RED HEART - branded yarn and craft products. There has never been any relationship between the Complainant and the Respondent. The Respondent is not licensed, or otherwise authorized, to register or use any of the RED HEART trademarks in any manner whatsoever, including in, or as part of, the disputed domain name.

The disputed domain name has been registered and is being used in bad faith. The Respondent has attempted to take advantage of the goodwill in the RED HEART trademarks in an attempt to exploit, for

commercial gain, Internet users who are likely to believe there is some connection between the Respondent's fake "Red Heart" website and the Complainant, its RED HEART brand, and RED HEART craft products. Further, the Respondent appears to be using the disputed domain name in association with a phishing scam or other fraudulent activities to acquire Internet users' personal information.

B. Respondent

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

6. Discussion and Findings

6.1 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name contains the words "Red Heart", the associated website is in English with a contact address in the United States, and the translation of the Complaint would result in additional expense for the Complainant.

Despite the Center sending an email regarding the language of the proceeding and the notification of the Complaint in both Chinese and English, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this 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.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the RED HEART trademark for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the RED HEART mark is reproduced within the disputed domain name. Despite the addition of the word “store”, the mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name resolves to a website that repeatedly displays the Complainant’s RED HEART mark with the ® symbol and prominently displays the Complainant’s Red Heart logo and offers for sale yarn, which is the type of product supplied by the Complainant. The website gives the impression that it is operated or endorsed by, or affiliated with, the Complainant. However, the Complainant submits that there has never been any relationship between itself and the Respondent. These circumstances indicate that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Nor is it making a legitimate noncommercial or fair use of the disputed domain name.

Further, the Registrar has verified that the Respondent’s name is “郭星 (Guo Xing)”, which does not resemble the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the record, 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. The fourth of these circumstances is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] website or location or of a product or service on [the respondent’s] website or location.”

The disputed domain name was registered in 2024, decades after the registration of the Complainant’s RED HEART mark. The disputed domain name wholly incorporates that mark with the addition of the descriptive word “store”. The associated website prominently displays the Complainant’s Red Heart logo and offers for sale products of a type identical to those of the Complainant. In view of these circumstances, the Panel finds that the Respondent was aware of the Complainant and its RED HEART mark when it registered the disputed domain name.

As regards use, the disputed domain name resolves to a website that repeatedly displays the Complainant’s RED HEART mark and prominently displays the Complainant’s Red Heart logo and offers for sale products of a type identical to those of the Complainant. The website gives the false impression that it is operated or endorsed by, or affiliated with, the Complainant. This use is intentional and for commercial gain. Accordingly, the Panel finds that these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <redheartstore.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: September 1, 2025