

ADMINISTRATIVE PANEL DECISION

ADTR Band LLC v. Huy Hoang

Case No. D2025-3040

1. The Parties

The Complainant is ADTR Band LLC, United States of America ("United States"), represented by Akerman LLP, United States.

The Respondent is Huy Hoang, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <adtrshop.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 July 30, 2025. On July 31, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 amended Complaint on August 8, 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 August 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 2, 2025.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on September 9, 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, ADTR Band LLC, is A Day to Remember (commonly known as “ADTR”), an American metal rock band founded in 2003 in Florida. Over the past two decades, the band has achieved substantial commercial success and international recognition through global touring and live performances. Notably, ADTR won the Alternative Press Music Award for Best Live Band in 2015 and has received multiple award nominations. In February 2025, the band surprise-released its latest album Big Ole Album Vol. 1, which debuted in the Top 10 on the album sales chart and entered the Billboard 200 based solely on physical sales.

Trademark	Registration No.	Date of Registration	Classes	Jurisdiction
ADTR	6874929	October 18, 2022	Classes 16, 18, and 25	United States

The Complainant’s ADTR trademark appears on merchandise, social media accounts (with millions of followers), and its official website. According to the Complainant, through continuous use in commerce, significant media exposure, and strong fan association, the ADTR mark has acquired substantial goodwill and functions as a distinctive identifier of the Complainant’s goods and services.

The Complainant also owns the domain name <adtr.com> which resolves to the Complainant’s official website. The Complainant’s domain name was registered on December 6, 1998. The Complainant also owns <adtrstore.com> which was registered on November 21, 2012, and resolves to a website where official band merchandise is sold. The disputed domain name <adtrshop.com> was registered on January 2, 2024.

At the time of filing of the Complaint and of this decision, said disputed domain name resolves to a website which offers and sells products purporting to be the products of the Complainant.

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:

I. Identical or Confusingly Similar

That by virtue of its trademark registrations, the Complainant is the owner of ADTR trademark (and cites WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.2.1.).

That the threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name ([WIPO Overview 3.0](#), section 1.7.).

That the Top-Level Domain (“TLD”) “.com” in the disputed domain name should not be considered when comparing the Complainant’s ADTR trademarks and the disputed domain name [WIPO Overview 3.0](#), section 1.11.1.)

That the disputed domain name captures the Complainant’s ADTR trademark in its entirety, and that the addition of the term “shop” does not negate the confusing similarity between the disputed domain name and the Complainant’s ADTR ([WIPO Overview 3.0](#), section 1.8.) (and cites *ASOS Plc, ASOS Holdings Limited, ASOS.com Limited v. 刘兵 (liu bing)*, WIPO Case No. [D2022-0604](#), *Cactus Plant Flea Market, LLC v. Privacy Service Provided by Withheld for Privacy ehf / Aamir Ali, MillionMerch*, WIPO Case No. [D2022-2405](#), and *OVS S.p.A. v. Domain Administrator, See PrivacyGuardian.org / Emily Gehring*, WIPO Case No. [D2021-3876](#)).

II. Rights or Legitimate Interests

That in the absence of any rebuttal or evidence from the Respondent demonstrating rights or legitimate interests in the disputed domain name, the Respondent’s lack of rights or legitimate interests is established. This shift in burden recognizes the inherent difficulty for a complainant in “proving a negative” where relevant information lies solely within the Respondent’s control (and cites [WIPO Overview 3.0](#), section 2.1., *Accor v. Eren Atesmen*, WIPO Case No. [D2009-0701](#), and *Auto-C, LLC v. MustNeed.com*, WIPO Case No. [D2004-0025](#)).

That the Complainant has not licensed, authorized or permitted the Respondent to register domain names incorporating the Complainant’s ADTR trademark.

That the Respondent is using the disputed domain name to sell counterfeit goods, which constitutes an illegal activity and can never confer rights or legitimate interests under the UDRP, as that the use of a domain name for unlawful purposes, including the sale of counterfeit products, disqualifies any claim of legitimacy by the Respondent (and cites [WIPO Overview 3.0](#), section 2.13.1).

That in the present case, it is evident that the Respondent registered and is using the disputed domain name with the intent to exploit the goodwill associated with the Complainant’s mark, by falsely presenting its website as the Complainant’s official store. Such conduct is inherently misleading and clearly precludes any finding of rights or legitimate interests in the disputed domain name.

III. Registered and Used in Bad Faith

That the Complainant’s prior trademark ADTR is a well-known trademark that has developed a reputation and following as a band, and that consumers visit the Complainant’s official store at <adtrstore.com> to purchase official band merchandise, both registered long before the Respondent registered the disputed domain name.

That the Complainant has never authorized, licensed or otherwise consented to the Respondent’s use of the Complainant’s trademarks or any confusingly similar variation thereof, for any purpose including as part of a domain name.

That the Respondent had then necessarily knowledge of the Complainant’s marks ADTR when registering the disputed domain name on January 2, 2024, even more so as the trademark ADTR is highly renowned worldwide (and cites [WIPO Overview 3.0](#), section 3.1.4).

That the Respondent is actively offering and selling counterfeit products falsely presented as the Complainant’s official merchandise on the disputed domain name website, deliberately seeking to misappropriate and exploit the reputation and goodwill associated with the Complainant’s mark misleading consumers and divert Internet traffic for commercial gain. Moreover, the overall presentation and content of the website to which disputed domain name resolved to leave no doubt that it is designed to impersonate the Complainant and deceive the public.

That the disputed domain name offers an unrealistically broad inventory of products – purportedly available in nearly every possible color and material – all branded with the Complainant’s mark and associated imagery. Unlike the Respondent, the Complainant offers only a limited and curated selection of official merchandise through its authorized store. The unauthorized sale of items such as blankets, phone cases, and pillows, none of which are offered by the Complainant, confirms that the Respondent is engaged in the unauthorized commercial use of the Complainant’s intellectual property for profit, with no rights or legitimate interests in the disputed domain name (and cites *Cactus Plant Flea Market, LLC v. Privacy Service Provided by Withheld for Privacy ehf / Aamir Ali, MillionMerch*, WIPO Case No. [D2022-2405](#)).

That the products offered by the Respondent at the Respondent’s website are counterfeit, which has repeatedly been held to be a bad faith use of a domain name (and cites [WIPO Overview 3.0](#), sections 2.13.1 and 2.3.1), *Karen Millen Fashions Limited v. Lily Rose*, WIPO Case No. [D2012-0428](#), *Belstaff S.R.L. v. jiangzheng ying*, WIPO Case No. [D2012-0793](#), *Guccio Gucci S.p.A. v. Zhiyuan Zou, Zouzhi Zhou, Fujian Anfu*, WIPO Case No. [D2012-0888](#), *Fabergé Ltd. v. Management Services*, WIPO Case No. [D2009-0425](#), and *Moncler S.r.l. v. Sandra Brown*, WIPO Case No. [D2010-1674](#), *Hermes International, SCA v. cui zhenhua*, WIPO Case No. [D2010-1743](#), *Prada S.A. v. Domains For Life*, WIPO Case No. [D2004-1019](#) and *Cactus Plant Flea Market, LLC v. Privacy Service Provided by Withheld for Privacy ehf / Aamir Ali, MillionMerch*, WIPO Case No. [D2022-2405](#)).

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to successfully request remedies:

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

Given the Respondent’s default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant’s undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#), *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also [WIPO Overview 3.0](#), section 4.3).

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 3.0](#), section 1.7.

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

The disputed domain name entirely reproduces the Complainant’s ADTR trademark. The Panel finds that the Complainant’s ADTR trademark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The addition of the term “shop” does not prevent the 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.

It is also well established that the addition of the generic TLD (“gTLD”) “.com” is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the Complainant’s ADTR trademark 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 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. Specifically, the Respondent has failed to submit evidence of bona fide or legitimate noncommercial or fair use of the disputed domain name. No evidence has been filed in connection with the Respondent being commonly known by the disputed domain name.

Therefore, 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 Complainant has ascertained its rights over the ADTR trademark. The dates of registration of said trademark significantly precede the date of registration of the disputed domain name.

The Complainant has submitted information, not rebutted by the Respondent, showing that it is a well-established American metal rock band formed in 2003, with over two decades of commercial success and international recognition, that it has gained a significant global following through touring and live performances, earning the Alternative Press Music Award for Best Live Band in 2015, that it has received multiple award nominations, and that this year, their album Big Ole Album Vol. 1 debuted in the Top 10 of the album sales charts and entered the Billboard 200 based solely on physical sales. These accomplishments collectively support the conclusion that the ADTR mark enjoys a high degree of fame and public recognition, establishing it as a well-known trademark (*Audi AG and Volkswagen AG v. Glenn Karlsson-Springare*, WIPO

Case No. [D2011-2121](#), *Tetra Laval Holdings & Finance S.A. v. Ricardo Lopez Ortega* WIPO Case No. [D2022-4037](#), and *Swarovski AG v. Marius Muller*, WIPO Case No. [D2016-2315](#)).

Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark by an unaffiliated entity can in itself create a presumption of bad faith (see [WIPO Overview 3.0](#), section 3.1.4; see also *Ferrari S.p.A. v. Ms. Lee Joohee [or Joo-Hee]*, WIPO Case No. [D2003-0882](#)). This is so in the present case because the Complainant's ADTR trademark is well known and has been extensively used worldwide.

In the present case, the Panel notes the fact that the Respondent registered the disputed domain name which entirely reproduces the Complainant's ADTR trademark shows that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L'Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#), *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#), *Dream Marriage Group, Inc. v. Romantic Lines LP, Vadim Parhomchuk*, WIPO Case No. [D2020-1344](#), *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#), *Landesbank Baden-Württemberg (LBBW) v. David Amr*, WIPO Case No. [D2021-2322](#): "Given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the Disputed Domain Name with full knowledge of the Complainant's trademarks, constituting opportunistic bad faith. The Panel finds it hard to see any other explanation than that the Respondent knew of the Complainant's well-known trademark.")

Panels have held that the use of a domain name for illegal activity here, claimed as applicable to this case: sale of counterfeit goods as well as 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 Complainant has submitted evidence, not rebutted by the Respondent, showing that the Respondent offers an unrealistically broad inventory of products all branded with the Complainant's trademarks and associated imagery, when in reality the original products that the Complainant commercializes are exclusive in nature. Specifically, the deliberate use of the Complainant's trademarks and visual identity on the website to which the disputed domain name resolves to mislead consumers into believing they are purchasing genuine products, when in fact the goods are very likely counterfeit, further supports a finding of bad faith. The Respondent is clearly targeting the Complainant by going so far as to counterfeit its products, demonstrating a deliberate intent to exploit the Complainant's brand for illegitimate gain. Such behavior has consistently been found by prior UDRP panels to constitute clear evidence of bad faith registration and use, as outlined in [WIPO Overview 3.0](#), section 3.1. Previous panels appointed under the Policy have held that circumstances such as this one serve as an indication of bad faith ([WIPO Overview 3.0](#), section 3.6; *Skechers U.S.A., Inc. II v. Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2021-4182](#), *Skorpio Limited v. Jianhua Xing*, WIPO Case No. [D2022-0555](#), and *Reebok International Limited v. Bing Yue*, WIPO Case No. [D2022-2855](#)).

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 <adtrshop.com> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: September 23, 2025