

ADMINISTRATIVE PANEL DECISION

Johnson Outdoors Marine Electronics, Inc. v. anika liando
Case No. D2025-3041

1. The Parties

The Complainant is Johnson Outdoors Marine Electronics, Inc., United States of America (“United States” or “U.S.”), represented by Reinhart Boerner Van Deuren p.c., United States.

The Respondent is anika liando, United States.

2. The Domain Name and Registrar

The disputed domain name <humminbirdfishfinder.com> (the “Disputed Domain Name”) is registered with Cosmotown, 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 August 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 (Private Whois) 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 amendment to the Complaint on August 7, 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 August 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 2, 2025.

The Center appointed Elizabeth Ann Morgan as the sole panelist in this matter on September 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 and its related entities, are well-known worldwide for producing a variety of high quality outdoor recreational products, including electric fishing motors for propelling watercraft, electric fishing motor parts, anchors, marine batteries, battery chargers, battery meters, battery brushes, battery terminal clamps, watercrafts, diving equipment, water sports equipment, dive clothing, watersports clothing, fishing gear, outdoor clothing, and camping gear (collectively, the “Johnson Outdoors Goods”).

The Complainant has provided services to numerous customers in the U.S. and around the globe. To protect its brand, the Complainant has invested in obtaining and maintaining fifty trademark registrations in the United States and around the world (the “HUMMINBIRD Trademarks”).

According to ICANN's Whois Database, the Disputed Domain Name <humminbirdfishfinder.com> was created on June 5, 2025, more than forty-six (46) years after the Complainant first began using HUMMINBIRD and more than thirty-three (33) years after the Complainant first obtained a U.S. federal trademark registration for HUMMINBIRD (registered under number 1,678,364 on March 10, 1992).

The Disputed Domain Name, <humminbirdfishfinder.com>, incorporates the Complainant's HUMMINBIRD mark in its entirety.

The Respondent uses the Disputed Domain Name in an attempt to pass itself off as the Complainant by incorporating HUMMINBIRD into the Disputed Domain Name and using the Complainant's HUMMINBIRD Trademarks prominently on the Respondent's products for sale throughout the website associated with the Disputed Domain Name.

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.

The addition of the generic term “fishfinder” does nothing to distinguish the Disputed Domain Name or prevent confusion with the Complainant's HUMMINBIRD Trademarks. In fact, HUMMINBIRD is well-known to consumers as the source of quality fish finders.

Notably, the Complainant contends that the Respondent's use of the Disputed Domain Name is designed to confuse users looking for the Complainant's legitimate website and deceive customers into providing sensitive personal and financial information, such as their e-mail address, physical address, and credit card billing information. The Respondent is using the website at “www.humminbirdfishfinder.com” to market counterfeit goods.

The Respondent's products bearing the Complainant's HUMMINBIRD Trademarks are confusingly similar to those of the Complainant's products on its website at “www.humminbird.johnsonoutdoors.com”.

The Respondent's use of the Disputed Domain Name is a classic phishing scheme in which the Disputed Domain Name registrant hopes that unwary consumers will fall prey to a fake website that is similar to that of a legitimate organization and divulge sensitive information.

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 entirety of the mark is reproduced 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 terms here, "fishfinder", 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. This is particularly true since the Complainant is known for selling fish finders.

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.

Panels have held that the use of a domain name for illegitimate activity, here the claimed sale of counterfeit goods and 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 Respondent is intentionally attempting to attract for commercial gain Internet uses by creating a likelihood of confusion with the Complainant's marks.

The Respondent's prominent use of the Complainant's HUMMINBIRD Trademarks on the Respondent's website and the Respondent's use of the Complainant's product images and names, creates the false impression that the website is the Complainant's actual website.

Panels have held that the use of a domain name for illegitimate activity, here claimed sale of counterfeit goods and 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 Name 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 Name <humminbirdfishfinder.com> be transferred to the Complainant.

/Elizabeth Ann Morgan/

Elizabeth Ann Morgan

Sole Panelist

Date: September 17, 2025