

ADMINISTRATIVE PANEL DECISION

Show Fountain B.V. v. 闫根锁 (gensuo yan)
Case No. D2025-3128

1. The Parties

The Complainant is Show Fountain B.V., Belgium, represented by Novagraaf Belgium NV/SA, Belgium.

The Respondent is 闫根锁 (gensuo yan), China.

2. The Domain Name and Registrar

The disputed domain name <kentucky-horsewear.shop> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 6, 2025. On August 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 7, 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 (Anonymous, Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 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 amended Complaint in English on August 19, 2025.

On August 8, 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 August 14, 2025, the Complainant requested English to 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 August 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 9, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on September 15, 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 Belgian company which sells clothing for horse riders and equipment for use with horses.

The Complainant is the registered owner of a number of trademark registrations incorporating KENTUCKY, including:

- (a) Europe Union trademark registration no. 018021719 KENTUCKY & device, registered for goods in classes 5, 8, 9, 10, 18, 20, 21, 24, 28, and 31 registered on July 20, 2019.
- (b) Benelux trademark registration no. 1390274 KENTUCKY & device, registered for goods in classes 10, 18, and 25 registered on April 30, 2019.
- (c) International trademark registration no. 1477111 KENTUCKY & device, registered for goods in classes 10, 18, and 25, designating Switzerland, European Union, Japan, Norway and the United States of America, registered on May 14, 2019.

The Complainant is also the holder of the domain name <kentucky-horsewear.com> with a registration date of August 23, 2010.

The Respondent is an individual based in China.

The website under the disputed domain name at the date of filing the Complaint was an almost identical copy of the Complainant's website displaying the Complainant's registered trademarks purportedly selling products of the type dealt with by 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, namely:

- (a) The disputed domain name is confusingly similar to its registered trademarks. It incorporates the Complainant's registered trademark KENTUCKY in full. The use of the generic Top-Level Domain ("gTLD") ".shop" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The addition of the word "horsewear" in this case exacerbates the likelihood of confusion because it makes the disputed domain name nearly identical to the Complainant's own domain name.
- (b) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way and the Complainant has never granted any authorization or license to the Respondent to use the Complainant's trademark. The Respondent is not commonly known by

the disputed domain name and has not made a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

(c) The disputed domain name was registered and is being used in bad faith. The Respondent is using the disputed domain name to attract Internet users for commercial gain, creating a likelihood of confusion with the Complainant's trademark. Because the content of the website under the disputed domain name is almost identical to the Complainant's website, the Respondent must have known of the Complainant and is trying to mislead consumers as to a connection with the Complainant.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Procedural Issue: 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 was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- 1) The Complainant is unable to communicate in Chinese and translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter;
- 2) Such additional delay, considering the obviously abusive nature of the disputed domain name and the website poses continuing risk to the Complainant and unsuspecting consumers seeking the Complainant or its products;
- 3) The disputed domain name is comprised of Latin characters;
- 4) The content of the website on the disputed domain name is only available in English; and
- 5) The term "kentucky-horsewear", which is the dominant portion of the disputed domain name, does not carry any specific meaning in the Chinese language.

The Respondent did not make any submissions with respect to the language of the 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.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark KENTUCKY 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](#), 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.

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, claimed as applicable to this case: impersonation/passing off, 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’s website under the disputed domain name resolved to a website impersonating the Complainant by using the Complainant’s prior registered trademark, having a similar look and feel of the website and purportedly selling the same type of products as the Complainant. Such use of the disputed domain name constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Panels have also held that the use of a domain name for illegitimate activity here, claimed 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 Respondent is clearly trying to divert Internet users to its website.

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 <kentucky-horsewear.shop> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: October 2, 2025