

ADMINISTRATIVE PANEL DECISION

Marolina IP SPV, LLC v. 石军 (jun shi)
Case No. D2025-3167

1. The Parties

The Complainant is Marolina IP SPV, LLC, United States of America (“Unites States”), represented by Tucker & Latifi, LLP, United States.

The Respondent is 石军 (jun shi), China.

2. The Domain Name and Registrar

The disputed domain name <hukfishingshirt.com> is registered with Cloud Yuqu LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 7, 2025. On August 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 10, 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 (Cloud Yuqu LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 2025, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed the first amended Complaint in English on September 2, 2025, and the Complainant filed the second amended Complaint in English on September 3, 2025.

On August 20, 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 September 2, 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 Complaints 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 September 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 29, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on October 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, Marolina IP SPV, LLC, is a company incorporated in Delaware, United States. The Complainant owns the HUK brand, which was established in 2014 and focuses on technical apparel and other equipment for fishing and outdoor activities. Products bearing the HUK brand is widely sold across the United States, both through retail stores and authorised outdoor/sporting retailers.

The Complainant operates its primary online retail store at "www.huk.com". The Complainant is the registered proprietor of the mark HUK or marks incorporating HUK in various jurisdictions around the world. These cover a wide range of goods and services including apparel, eyewear, fishing lures, coolers, accessories, retail services, and entertainment content.

Of most relevance the following trademarks the Complainant is the registered proprietor of the following trademark¹:

HUK in classes 12, 16, 25, 27, 35 and 41 in the United States registered with effect from January 19, 2021 under No. 6,248,268.

The Complainant also produced copies of trade mark certificates for the following trade mark registered in the name of Marolina Outdoor Sports Inc. This entity was described as its predecessor in interest.

HUK (stylised) in classes 9, 27 and 28 in China with effect from May 7, 2020, under No. 40182543A.

HUK in Class 25 under International Registration No. 1402834 registered with effect from April 6, 2018.

The disputed domain was registered on April 25, 2025.

The Respondent appears to be an individual based on China.

The website under the disputed domain appears to offer the Complainant's products. The Complainant alleges these are likely to be counterfeit.

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.

¹ As confirmed by a search on the USPTO website. The certificate produced by the Complainant was in the name of Marolina Outdoor Sport Inc.

Identical or confusingly similar

the Complainant contends that the disputed domain name is confusingly similar and effectively identical to its HUK trademarks as it incorporates the HUK mark in its entirety.

The Complainant contends website to which the disputed domain name resolves prominently displays the HUK (stylized) mark in the header of every page. The website is also styled in a manner that closely mirrors the Complainant's, both in layout and overall design, thereby presenting itself as an authorised retailer of HUK-branded goods and apparel. The Complainant alleges this will lead to consumer confusion.

No rights of legitimate interests

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been commonly known by the mark utilised in the disputed domain name.

The Complainant states that it has never authorized nor licensed the Respondent to use its registered HUK trademarks and service marks.

The Complainant contends the Respondent seeks to create an impression of association, by prominently displaying the Complainant's trademark and brand name on the website, and by incorporating products the Complainant is known for selling in the disputed domain name.

Registered and used in bad faith

The Respondent is intentionally attempting to attract for commercial gain Internet users to the Respondent's website at the disputed domain name creating a likelihood of confusion with the HUK family to falsely create the impression that the Respondent's website and the goods and services being offered on the Respondent's website at the disputed domain name are actually those of the Complainant or somehow affiliated with the Complainant. Thus, the Complainant believes the disputed domain name has been registered and is being used in bad faith, solely to create a likelihood of confusion in the marketplace.

B. Respondent

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

6. Discussion and Findings

Language

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. However, the Panel retains the authority to determine otherwise.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website at the disputed domain name is entirely in English.

The Respondent did not make any specific 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), namely its United States registration for HUK.

The Panel finds the Complainant's HUK 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](#), section 1.7).

Although the addition of the term "fishingshirt", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of identical or confusing similarity between the disputed domain name and the mark for the purposes of the Policy ([WIPO Overview 3.0](#), section 1.8).

The Panel therefore finds that 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.

Moreover, the composition of the disputed domain name, incorporating the Complainant's trademark with added terms "fishingshirt", carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The disputed domain name resolves to a website that purports to offer the Complainant's goods for sale without any disclaimer. The website has the same look and feel as the Complainant's official website, potentially misleading Internet users.

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 particular, paragraphs 4(b)(iii) and 4(b)(iv) of the Policy and previous panels have noted that bad faith can be established where a respondent uses a confusingly similar domain name to disrupt a complainant's business or to obtain commercial gain by creating a misleading association with the complainant's mark.

In the present case, the Panel notes that the Respondent's use of a mark identical to the Complainant's and its offering of substantially similar if not identical products demonstrates that its registration and use of the disputed domain name was done in bad faith. Such conduct clearly reflects an intention to disrupt the Complainant's business and attract Internet users for commercial gain by creating a likelihood of confusion with the complainant's mark and diversion of traffic away from the Complainant's official website.

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 therefore finds the third element of the Policy has been established.

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 <hukfishingshirt.com> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: October 26, 2025