

ADMINISTRATIVE PANEL DECISION

Meyer Intellectual Properties Limited v. 杨越 (yang yue)
Case No. D2025-3206

1. The Parties

The Complainant is Meyer Intellectual Properties Limited, British Virgin Islands, United Kingdom, represented by Akerman LLP, United States of America (“U.S.”).

The Respondent is 杨越 (yang yue), China.

2. The Domain Name and Registrar

The disputed domain name <myhestan.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 11, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 August 13, 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 18, 2025.

On August 13, 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 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 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 Jonathan Agmon as the sole panelist in this matter on September 12, 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 the owner of the HESTAN brand. Founded in 2013, the Complainant licenses the HESTAN trademark to affiliates which manufacture and sell a range of high-quality induction cookware and appliances. The products bearing the Complainant's HESTAN trademark are used in the kitchens of acclaimed restaurateurs and Michelin-starred chefs, as well as the Culinary Institute of America, and have been featured in famous magazines.

The Complainant's U.S. affiliate, Meyer Corporation, U.S., operates an authorised website under the domain name <hestanculinary.com> (the "Complainant's website"), which was registered on February 24, 2016, selling authorised products that are licensed and entitled to bear the Complainant's HESTAN trademark.

The Complainant owns various trademark registrations for HESTAN, including the following:

- U.S. trademark registration no. 4339384 for HESTAN, registered on May 21, 2013;
- U.S. trademark registration no. 5366161 for HESTAN, registered on December 26, 2017; and
- U.S. trademark registration no. 5503264 for HESTAN, registered on June 26, 2018.

The disputed domain name was registered on January 10, 2025, and at the time of filing the Complaint, resolved to a website mimicking the Complainant's own website, and displaying the Complainant's HESTAN trademark.

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 identical and/or confusingly similar to the Complainant's HESTAN trademark. The disputed domain name consists of the Complainant's HESTAN trademark with the addition of the prefix "my". The addition of the term "my" serves only to emphasize the inclusion of the Complainant's HESTAN trademark. The addition of the term "my" is insufficient to prevent a finding of confusing similarity, especially when the disputed domain name includes an identical reproduction of the Complainant's trademark. The addition of the generic Top-Level Domain is usually disregarded for the purposes of the analysis under the first limb as it is a requirement for registration.
- The Respondent has no rights or legitimate interests in the dispute domain name. The Respondent is neither an agent nor a licensee of the Complainant, and has never been affiliated or authorised by the Complainant to use the Complainant's trademark in any way. There is no evidence that the Respondent is commonly known by the disputed domain name. The disputed domain name resolves

to a website that imitates the Complainant's official website, and potentially deceives users into believing that they are visiting the Complainant's authentic website. Further, the Respondent appears to be attempting to sell the disputed domain name for the sum of USD 1,500. The Respondent's website contains an exact copy of the Complainant's stylized trademark, and imitates the colour scheme and images of the Complainant's authentic website.

- The disputed domain name was registered and is being used in bad faith. The Complainant had rights in the Complainant's HESTAN trademark as early as 2013. The Complainant has since used the HESTAN trademark in a highly visible way in connection with products bearing its trademark. The Complainant had well established trademark rights in the HESTAN trademark by the time of the registration of the disputed domain name. Given the fame of the Complainant's products sold under the distinctive HESTAN mark, it is virtually impossible that the Respondent was unaware of the Complainant's right in the HESTAN mark. The Respondent's attempt to sell the disputed domain name for valuable consideration in excess of the Respondent's out-of-pocket costs is indicative of bad faith. Further, the Respondent's website displays an identical copy of the Complainant's stylized HESTAN trademark. It also includes information that purports to be about HESTAN cookware, and lists prices for the purchase of HESTAN cookware, seemingly attempting to suggest discounted prices. However, the Respondent's website does not contain any area where customers may add products to a cart or finalise a purchase, which suggests that the Respondent is not genuinely selling those products. The Respondent appears to be focused on selling the disputed domain name, which can only be interpreted as intending to target the Complainant and its HESTAN trademark.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary 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 the fact that:

- The dispute domain name uses the English word "my" in conjunction with the HESTAN trademark, which is indicative of an understanding of English;
- The content of the Respondent's website is entirely in English, suggesting a familiarity with English;
- The Respondent's website also lists an address in Seattle, Washington which is located in the U.S., where English is commonly spoken;
- The contact email address on the Respondent's website uses the English word "support"; and
- Requiring the Complainant to translate the Complaint into Chinese would cause undue delay and expense to the Complainant.

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.

6.2 Substantive Issues

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 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 another terms, here, the prefix "my", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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.

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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant's registration of its trademark predates the registration of the disputed domain name. There is no evidence that the Respondent is using or preparing to use the disputed domain name for any legitimate purpose. The disputed domain name resolves to a website displaying the Complainant's HESTAN

trademark, and mimics the Complainant's official website. The Respondent's website uses the same colour scheme as the Complainant's website, and mimics the layout, style, and design of the Complainant's website. The Respondent's website has no disclaimer stating its lack of affiliation with the Complainant, and lists a contact email in connection with the disputed domain name.

The disputed domain name is also listed for sale on Sedo.com for the price of USD 1,500, a price which likely far exceeds the Respondent's out-of-pocket registration costs. This is evidence that the Respondent is likely attempting to profit off the sale of the disputed domain name, which cannot be considered to be a legitimate interest of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity and/or illegal 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 registered the disputed domain name several years after the Complainant registered its HESTAN trademark. Given the specific use the Respondent is making of the Complainant's HESTAN trademark, and the use of the specific colour scheme, style and design on the Respondent's website, it is highly unlikely that the Respondent was not aware of the Complainant and its trademark prior to the registration of the disputed domain name.

Moreover, the specific use by the Respondent of the HESTAN trademark in a similar colour scheme, style and design as used by the Complainant is strong evidence that the Respondent was targeting the Complainant and its trademarks. The goods offered on both sites look similar, and even the short articles on the Respondent's website make reference to HESTAN products. This is strong evidence of bad faith registration and use and is a typical case of cybersquatting.

The disputed domain name is also listed for sale on Sedo.com for the price of USD 1,500, a price which likely far exceeds the Respondent's out-of-pocket registration costs. This is evidence that the Respondent is likely attempting to profit off the sale of the disputed domain name and falls within paragraph 4(b)(i) of the Policy as bad faith registration and use.

Panels have held that the use of a domain name for illegitimate/illegal activity, here, claimed as applicable to this case: 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 Panel notes that the Notification of the Complaint and Written Notice from the Center were successfully delivered to the Respondent, but he did not file a Response to the Complaint. The Panel draws an adverse inference accordingly.

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 <myhestan.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: September 26, 2025