

## **ADMINISTRATIVE PANEL DECISION**

Fridababy, LLC v. da zui ba, da zui ba 888  
Case No. D2025-3244

### **1. The Parties**

The Complainant is Fridababy, LLC, United States of America (“United States”), represented by Abion AB, Sweden.

The Respondent is da zui ba, da zui ba 888, China.

### **2. The Domain Name and Registrar**

The disputed domain name <nosefridacn.com> is registered with Gname 103 Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2025. On August 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 the same day, 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 14, 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 19, 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 20, 2025. In accordance with the

Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 14, 2025.

The Center appointed Jacob Changjie Chen as the sole panelist in this matter on September 18, 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, founded in 2016 in the United States, is developing and selling products in the field of baby care, pregnancy and fertility. Products of the Complainant can be found in over 40,000 stores throughout the United States, and in over 50 countries worldwide. Nosefrida is a snot sucker product of the Complainant to provide parents with smart, safe and hygienic relief to their children's nasal congestion.

The Complainant is the owner of the following NOSEFRIDA registrations:

- China Trademark No. 22809155, registered on February 21, 2018, in class 3; and
- United States Trademark No. 6486387, registered on September 14, 2021, in class 5.

In addition, the Complainant owns, among others, domain names <nosefrida.com> registered on March 14, 2006, <nosefrida.asia> registered on March 25, 2009, <nosefrida.co> registered on November 24, 2010, <nosefrida.africa> registered on July 3, 2017, and <nosefrida.us> registered on January 30, 2025.

The disputed domain name was registered on April 3, 2025. It resolves to an inactive webpage.

On June 6, 2025, the Complainant sent a cease-and-desist letter to the Respondent through the online form listed on the publicly available Whois records and via the Registrar's abuse contact email but received no response from the Respondent.

#### **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 confusingly similar to its trademark as the disputed domain name incorporates the NOSEFRIDA trademark in its entirety followed by the term "cn" which is the country code corresponding to China.

The Complainant further contends that the Respondent has never been granted any rights to use the NOSEFRIDA trademark in any form including the disputed domain name. The disputed domain name is not being actively used in connection with a bona fide offering of goods or services, which demonstrates that the Respondent has no legitimate interest in the disputed domain name.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Respondent knew of the Complainant's NOSEFRIDA trademark at the time of the registration of the disputed domain name but registered it with the Complainant in mind. The disputed domain name is being passively held as it resolves to an inactive page, which would not prevent a finding of bad faith. The Complainant also asserts that the Respondent's email address is associated with other domain names and some of these domain names seem to have incorporated third party trademarks according to the Complainant's search.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issues: 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 (i) the Respondent understands English as the disputed domain name is composed of Latin characters and incorporates English terms; (ii) the English language is commonly used internationally; and (iii) the proceedings would be delayed if the Complainant has to translate the Complaint and subsequent communications in Chinese.

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 Panel finds the 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 "cn", which is the country code of China, may bear on assessment of the second and third elements, the Panel finds the addition of such geographic 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.

The disputed domain name resolves to an inactive webpage. As such, there is no evidence showing that the Respondent has used or is preparing to use the disputed domain name in connection with a bona fide offering of goods or services. The non-use status also does not confer any rights or legitimate interests over the disputed domain name under the Policy in this case.

Moreover, the composition of the disputed domain name, which fully incorporates the Complainant’s mark together with a term referring to China, may mislead Internet users into believing that the disputed domain name is connected to the Complainant, contrary to the fact.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, in view of the distinctive nature and reputation of the Complainant’s NOSEFRIDA trademark as well as the Complainant’s domain name <nosefrida.com>, the Panel finds that the Respondent knew or should have known of the NOSEFRIDA trademark at the time of registering the disputed domain name. In the absence of any rights or legitimate interests, the registration of the disputed domain name which incorporates the Complainant’s NOSEFRIDA trademark in its entirety suggests opportunistic bad faith and makes it appropriate for the Panel to find that the disputed domain name was registered in bad faith.

As to the use of the disputed domain name, the Panel notes that it resolves to an inactive webpage. Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s NOSEFRIDA trademark, and the composition of the disputed domain name (adding only the geographic term

“cn” (referring to China) where the Respondent resides), and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Additionally, the Respondent did not respond to contentions of the Complainant, as well as to the cease-and-desist letter from the Complainant. These further affirm a finding of bad faith of the Respondent in registering and using the disputed domain name.

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 <nosefridacn.com> be transferred to the Complainant.

*/Jacob Changjie Chen/*

**Jacob Changjie Chen**

Sole Panelist

Date: October 3, 2025