ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Spinrite Inc. v. Details Not Provided by Registrant
Case No. D2025-3272

1. The Parties

The Complainant is Spinrite Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Details Not Provided by Registrant, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <mybernat.com> is registered with Sav.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 14, 2025. On August 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 15, 2025, and August 27, 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 (albeit providing no registrant or organization name in the registration of the dispute domain name). The Center sent an email communication to the Complainant on September 2, 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 on September 5, 2025.

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 of the Complaint, and the proceedings commenced on September 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 29, 2025.

The Center appointed David Taylor as the sole panelist in this matter on October 7, 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

Founded in 1952, the Complainant is a Canadian company that develops, manufactures, and markets craft knitting yarns and consumer sewing threads.

The Complainant is the owner of trademark registrations for BERNAT, including:

- Canadian Trademark Registration No. TMA502212, BERNAT, registered on October 14, 1998; and

- United States of America ("United States") Trademark Registration No. 3147844, BERNAT, registered on September 26, 2006.

The Complainant is also the registrant of the domain name <bernat.com>, which previously resolved to a website promoting the Complainant's products, and now redirects to the Complainant's website at "www.yarnspirations.com".

The disputed domain name was registered on May 6, 2024. Prior to submission of the Complaint, the disputed domain name resolved to a website (the "Respondent's website") that provided information about the Complainant's products, displaying images of the Complainant's products, and including links to the Complainant's Amazon.com store where BERNAT-branded products are offered for sale. The footer of the Respondent's website displayed the text, "MyBernat is a participant in the Amazon Services LLC Associates program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.com." At the time of this Decision, the disputed domain name no longer resolves to an active web page.

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 Complainant asserts rights in the BERNAT trademark. The Complainant submits that the disputed domain name is confusingly similar to its BERNAT trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that no relationship exists between the Parties and that no authorization was granted for the Respondent to use the Complainant's trademark in a domain name or otherwise. The Complainant submits that the Respondent is using the disputed domain name in connection with a website that mimics the Complainant's branding, displaying images of the Complainant's products, purporting to be an official site of the Complainant, but is in reality being used to direct Internet users to Amazon.com through affiliate links for commercial gain. The Complainant submits that there is no evidence that the Respondent is commonly known by the disputed domain name, nor is the Respondent making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the disputed domain name was registered with prior knowledge of the Complainant's rights, primarily to disrupt the Complainant's business by trading on its goodwill. The Complainant argues that the Respondent's use of a privacy service when registering the disputed domain

name, and the Respondent's failure to provide complete underlying registrant information, amounts to further evidence of bad faith. The Complainant submits that by using the disputed domain name to resolve to a website intended to redirect Internet users to Amazon.com to obtain referral fees, the Respondent has sought to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's BERNAT trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, in bad faith.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Matters

The Panel notes that no communications have been received from the Respondent.

Since the Respondent's postal address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. D2024-0962). Having considered all the circumstances of the case, the Panel is of the view that they should. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for purposes of notifying the Complaint. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the disputed domain name as recently as May 2024 and thus would appear to be capable of controlling the disputed domain name and the related content and, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if it wished to do so. The Panel also notes that the website previously hosted at the disputed domain name was in the English language and sought to target English-speaking Internet users, which may support an inference that the Respondent is actually not located in Ukraine.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of a Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademarks.

Accordingly, the Panel considers that it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. D2012-1909).

6.2. Substantive Matters

In order to prevail, the Complainant must demonstrate that it has satisfied the requirements of paragraph 4(a) of the Policy:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) The disputed domain name was registered and is being used in bad faith.

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 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 other terms, in this case "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

The Complainant asserts that it has not authorized the Respondent to use the BERNAT trademark in any manner, nor is the Respondent affiliated with the Complainant in any way.

Prior to the filing of the Complaint, the disputed domain name resolved to a website dedicated exclusively to the Complainant's products, displaying the Complainant's trademark and product images, and including links to the Complainant's Amazon.com store. The website's footer disclosed participation in the Amazon Services LLC Associates program, indicating that the Respondent stood to earn advertising fees from referrals.

Although the Respondent's website provided information about the Complainant's products, it did not clearly and prominently disclose the lack of any relationship with the Complainant, other than a generic and inconspicuous disclaimer in the footer. The overall presentation was likely to mislead Internet users into believing that the website was operated or authorized by the Complainant. The Panel finds that such use of the Complainant's trademark to generate affiliate revenue does not amount to a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

There is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. Nor is there evidence of any legitimate noncommercial or fair use of the disputed domain name as contemplated by paragraph 4(c)(iii) of the Policy. Furthermore, the fact that the disputed domain name now resolves to an inactive website further undermines any claim of rights or legitimate interests in the disputed domain name.

The Panel finds that 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 submitted a Response or evidence to rebut the Complainant's assertions or to demonstrate rights or legitimate interests in the disputed domain name. In the absence of any rebuttal from the Respondent, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant has produced evidence to show that its BERNAT trademark is well established and widely recognized in the field of craft knitting yarns and consumer sewing threads, with registrations in Canada and the United States dating back to 1998 and 2006, respectively. The disputed domain name was registered on May 6, 2024, long after the Complainant acquired rights in the BERNAT trademark. The Respondent's website was clearly designed to target the Complainant, prominently displaying the Complainant's trademark and product images, and providing links to the Complainant's Amazon.com store. The Panel finds that the Respondent registered the disputed domain name with actual knowledge of the Complainant's rights, without authorization, and with the intention of deriving referral revenue from Internet users attracted to the Respondent's website, thereby acting in bad faith.

As noted above, the Respondent's website did not clearly and prominently disclose the lack of any relationship with the Complainant. The Panel finds that the Respondent's website was likely to mislead Internet users into believing that the website was operated or authorized by the Complainant. It is also clear that the Respondent intended to earn advertising fees from referrals to the Complainant's Amazon.com online store. The Panel therefore finds that by using the disputed domain name in such a manner, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website, in bad faith pursuant to paragraph 4(b)(iv) of the Policy. The fact that the disputed domain name no longer resolves to an active website does not alter the Panel's findings in relation to bad faith, as set out above.

The Panel therefore finds that 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 <mybernat.com> be transferred to the Complainant[1].

/David Taylor/
David Taylor
Sole Panelist
Date: October 21, 2025

[1] In this regard, the Panel notes the Respondent did not provide a registrant or organization name when registering the disputed domain name, nevertheless the concerned Registrar is directed to transfer the disputed domain name to the Complainant irrespective of the named Respondent in this proceeding.