

## **ADMINISTRATIVE PANEL DECISION**

Spinrite Inc. v. Dimytro Shmelko

Case No. D2025-3273

### **1. The Parties**

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

The Respondent is Dimytro Shmelko, Ukraine.

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

The disputed domain name <thecaronyarn.com> is registered with Cosmotown, Inc. (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 16, 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 / Private Whois) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 18, 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 August 18, 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 August 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent sent email communications to the Center on August 20, 2025 and August 22, 2025. On September 10, 2025, the Center informed the Parties that it would proceed to panel appointment.

The Center appointed Benoit Van Asbroeck 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 Canadian company founded in 1952, active in the development, manufacturing and marketing of craft knitting yarns and consumer sewing threads. The Complainant owns trademarks in CARON, among which:

- United States of America Trademark No. 1140835 for CARON, registered on October 28, 1980, in International Class 23.

In addition, the Complainant owns a domain name containing the CARON trademark, <caron.com>.

The disputed domain name was registered on June 14, 2024, well after the Complainant registered its rights in the CARON trademark. The disputed domain name is currently inactive. However, previously it resolved to a website designed to look like a website belonging to the Complainant. This website bore the CARON trademark and purportedly offered CARON-branded products. As demonstrated by the Complainant, the website included a link that redirected to the Complainant's legitimate Amazon.com store and indicated that it participated in the Amazon "associates" (affiliate advertising) programme.

#### **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.

With respect to the first element, the Complainant claims that the disputed domain name is confusingly similar to the CARON trademark since it incorporates the entirety of it. The addition of the common, descriptive and non-distinctive terms "the" and "yarn" does not mitigate the confusing similarity, the Complainant notes. The Complainant also points out that the CARON trademark is well known and that this increases the likelihood of confusion.

Regarding the second element, the Complainant first notes that it is only required to make a *prima facie* case that the Respondent lacks rights or legitimate interests. In addition, the Complainant puts forward that the Respondent is not licensed, or otherwise authorized, be it directly or indirectly, to register or use the CARON trademark in any manner whatsoever, including in, or as part of, the disputed domain name. Moreover, the Complainant points out that the use of the disputed domain name to funnel internet traffic to the look-a-like website and earn Amazon referral fees cannot be considered a *bona fide* offering of goods or services, or a noncommercial or fair use. Moreover, the Complainant contends that the Respondent has never been commonly known by the disputed domain name.

As for the third element, the Complainant claims that the Respondent registered and is using the disputed domain name to disrupt the Complainant's business by funneling Internet traffic for commercial gain (referral fees) to a third party website, here Amazon (paragraph 4(b)(iii) of the Policy). According to the Complainant, the same facts also support bad faith under paragraph 4(b)(iv) of the Policy. The fact that the Respondent used a privacy shield to register the disputed domain name is another indicator of bad faith, according to the Complainant.

## **B. Respondent**

The Respondent did not substantively reply to the Complainant's contentions. However, in response to the Center's Notification of the Complaint, the Respondent confirmed by emails of August 20, 2025, and August 22, 2025 that they are willing to voluntarily transfer the disputed domain name to the Complainant. The Complainant did not respond to the Respondent's offer and therefore no settlement was reached between the Parties.

## **6. Discussion and Findings**

### **A. Location of the Respondent**

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

Since the Respondent's mailing 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.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Respondent responded twice to the Center's email communication notifying them of the Complaint and the commencement of the administrative proceedings, consenting to voluntarily transfer the disputed domain name to the Complainant. The Panel therefore considers that the Respondent had actual notice of the Complaint and that, if the Respondent wished to do so, they would have been able to prepare and file a Response. The Panel will therefore proceed to a Decision.

### **B. Consent to Transfer**

The Respondent confirmed by email of August 20, 2025, that they are willing to voluntarily transfer the disputed domain name to the Complainant:

"[...]

I, the Respondent in the above-referenced case, hereby confirm that I voluntarily consent to the transfer of the domain name <thecaronyarn.com> to the Complainant, Spinrite Acquisition Corp., without further contest.

Please consider this as my formal consent to the transfer, and kindly proceed with the necessary steps to implement the transfer of the domain name."

The Respondent again consented to transfer the disputed domain name by email of August 22, 2025:

"I, the Respondent in WIPO Case No. D2025-3273 concerning the domain name <thecaronyarn.com>, hereby confirm my willingness to voluntarily transfer the domain to the Complainant, Spinrite Inc., in the spirit of settlement under the UDRP process.

Please consider this my formal consent to the transfer, and proceed with initiating the Standard Settlement Form. I trust that both parties will work together to finalize the transfer smoothly.

I have also copied this communication to the Complainant as required by the UDRP Rules (paragraph 2(h)(iii))."

Regarding such a consent to transfer a disputed domain name, section 4.10 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) states:

“Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the “standard settlement process” described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis).

In some cases, despite such respondent consent, a panel may in its discretion still find it appropriate to proceed to a substantive decision on the merits. Scenarios in which a panel may find it appropriate to do so include (i) where the panel finds a broader interest in recording a substantive decision on the merits – notably recalling UDRP paragraph 4(b)(ii) discussing a pattern of bad faith conduct, (ii) where while consenting to the requested remedy the respondent has expressly disclaimed any bad faith, (iii) where the complainant has not agreed to accept such consent and has expressed a preference for a recorded decision, (iv) where there is ambiguity as to the scope of the respondent’s consent, or (v) where the panel wishes to be certain that the complainant has shown that it possesses relevant trademark rights.”

In this case, the Panel finds that it can proceed to make an order for transfer since (i) the Complainant has proven ownership of the registered trademark for CARON, (ii) the Complainant’s requested remedy in these proceedings is the transfer of the disputed domain name; and (iii) the Respondent’s unconditional consent to transfer the disputed domain name to the Complainant in both abovementioned emails is unambiguous.

Accordingly, the Panel orders the transfer of the disputed domain name to the Complainant.

## 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 <thecaronyarn.com> be transferred to the Complainant.

*/Benoit Van Asbroeck/*  
**Benoit Van Asbroeck**  
Sole Panelist  
Date: September 29, 2025