

ADMINISTRATIVE PANEL DECISION

Gibson, Inc. v. Lowe Abbey, Abbey Lowe
Case No. D2025-3422

1. The Parties

The Complainant is Gibson, Inc., United States of America ("United States"), represented by Bates & Bates LLC, United States.

The Respondent is Lowe Abbey, Abbey Lowe, United States.

2. The Domain Name and Registrar

The disputed domain name <gibson-eu.com> (the "Domain Name") is registered with CNOBIN INFORMATION TECHNOLOGY(the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 25, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 3, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name that differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 3, 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 amendment to the Complaint on September 5, 2025.

The Center verified that the Complaint together with the amendment to the 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 amendment to the Complaint, and the proceedings commenced on September 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 26, 2025.

The Center appointed A. Justin Ourso III 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

The Complainant, Gibson, Inc., develops, manufactures, and sells musical instruments, including electric guitars, acoustic guitars, basses, mandolins, and other stringed instruments worldwide under its well-known GIBSON trademark. It has been selling its instruments under its GIBSON trademark since the 1890s.

The Complainant owns a United States registration, No. 866,698 for its figurative GIBSON trademark, issued on March 18, 1969, with a first use as early as 1890, in Class 15 for musical stringed instruments of the fretted type, including guitars and electric guitars, and for other goods in other classes; a United States registration, No. 1,545,311 for its GIBSON trademark, issued on June 27, 1989, with a first use as early as 1890, in Class 15 for musical stringed instruments, including guitars; a European Union registration, No. 005191242, for its GIBSON trademark, issued on September 27, 2007, in Class 15 for various musical instruments, including guitars and other stringed musical instruments, and in another class for other goods; and other registrations in these and other jurisdictions around the world.

The Complainant owns the domain name <gibson.com>, registered on May 31, 1994, and operates a website at “www.gibson.com” on which the Complainant advertises and sells its musical products and other products. The Complainant has also registered other domain names consisting of or including its GIBSON trademark.

The Respondent registered the Domain Name on July 25, 2025, without any authorization from the Complainant. Prior to the filing of the Complaint, the Domain Name resolved to a website employing the Complainant’s figurative GIBSON trademark and purporting to offer GIBSON products for sale. Subsequently, both before the filing of the Complaint and during the preparation of this Decision, the Respondent’s website became inactive.

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 Domain Name.

Notably, the Complainant contends that it has established a prima facie case that the Respondent lacks rights or legitimate interests; the Domain Name resolved to a website that employed the Complainant’s figurative trademark and purported to offer counterfeit competitive products; and the use of the geographic element “-eu” in the Domain Name suggests sponsorship or endorsement by the Complainant.

The Complainant requested transfer of the Domain Name.

B. Respondent

The Respondent did not submit a response to the Complaint.

6. Discussion and Findings

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, a Complainant must prove that (1) it has rights in a trademark, and (2) the Domain Name is identical or confusingly similar to this trademark. Policy, paragraph 4(a)(i).

The Panel finds that the Complainant's registrations establish its trademark rights. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 1.2.1.

The Domain Name incorporates the entire trademark, and the trademark is readily recognizable within the Domain Name, notwithstanding the addition of the element "-eu" after the trademark. The Panel finds that the Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), sections 1.7 and 1.8. Accordingly, the Panel concludes that the Complainant has proven the first element: the Domain Name is confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Complainant, on the other hand, has shown that it established its trademark rights long before the Respondent registered the Domain Name, it has not authorized the Respondent to use its trademark, and the Respondent is not known by the mark. This is a showing prima facie that the Respondent lacks any rights or legitimate interests in the Domain Name under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the domain name. [WIPO Overview 3.0](#), section 2.1. The Respondent has not submitted any evidence to rebut the prima facie showing.

Importantly, the Panel also finds that the Domain Name previously resolved to a website competing with the Complainant and its website, by employing the Complainant's figurative trademark on the site and selling counterfeit products under the Complainant's trademark. The evidence for this finding was less than overwhelming, because it consisted of one undated screenshot, which may not have been a complete web page. The Respondent's inclusion of the geographical element "-eu," which tends to suggest ownership, sponsorship, or endorsement by the trademark owner, [WIPO Overview 3.0](#), section 2.5.1, and the Respondent's failure to answer the Complaint, [WIPO Overview 3.0](#), section 2.5.3, assisted the Panel in reaching this conclusion. Taking this screenshot on its face, the Panel finds that the Respondent web site implied an affiliation with the Complainant, which is not a bona fide commercial use, a noncommercial use, or a fair use of the Domain Name. To the contrary, the evidence shows an intended deceptive use for commercial gain. [WIPO Overview 3.0](#), sections 2.5 and 2.13.

Additionally, the Panel finds that the Registrar identified the Registrant and the Registrant organization by a name that does not resemble the trademark or the Domain Name and provided an email address for the Respondent that does not resemble the trademark or the Domain Name, which corroborate that the Respondent is not known by the Domain Name. Accordingly, the Panel concludes that the Complainant has proven the second element: the Respondent lacks rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Policy provides that the following circumstance is “evidence of the registration and use of a domain name in bad faith: [. . .] by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site . . . , by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site.” Policy, paragraph 4(b)(iv).

The Panel finds that the geographic element, “-eu,” in the Domain Name betrays an intent to associate misleadingly the Domain Name with the Complainant’s trademark. [WIPO Overview 3.0](#), section 2.5.1. Additionally, as discussed above in Part 6(B), the record tends to show that the Domain Name resolved to a website that was designed to give the impression that it was the Complainant’s, or was affiliated with the Complainant, on which the Respondent offered for sale products, likely counterfeit, for commercial gain, under the Complainant’s trademark. The Panel finds this conclusive evidence that the Respondent must have been aware of the Complainant’s trademark, and of its rights in the mark, at the time that the Respondent registered the Domain Name; the Respondent’s registration and use of the Domain Name targeted the Complainant’s mark; and the Domain Name and the site are intended to attract, misleadingly and deceptively, customers and potential customers of the Complainant, for the Respondent’s commercial gain. [WIPO Overview 3.0](#), sections 3.1.4, 3.2.1, and 3.2.2.

During the preparation of this Decision, the Domain Name did not resolve to an active, functioning website. However, the Panel agrees with those panels who have consistently found that non-use of a domain name does not prevent a finding of bad faith, under the doctrine of passive holding, when other elements are present that demonstrate bad faith. [WIPO Overview 3.0](#), section 3.3. Here, importantly, without a finding of bad faith and a transfer of the Domain Name, the Respondent could resume the use of an active web site with the Domain Name and resume the sale of counterfeit products.

These findings compel the Panel to conclude that the Respondent intentionally registered the Domain Name in bad faith to take unfair advantage of the Complainant’s trademark and that the Respondent is using the Domain Name in bad faith intentionally to attract Internet users to its site for commercial gain by creating a likelihood of confusion with the Complainant’s trademark as to the source of the site or the source of the goods offered on the site, in violation of the Policy, paragraph 4(b)(iv). Accordingly, the Panel concludes that the Complainant has proven the third element: the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <gibson-eu.com> be transferred to the Complainant.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: October 17, 2025