

## **ADMINISTRATIVE PANEL DECISION**

Trimper's Rides of Ocean City, Inc. v. Lei Fu  
Case No. D2025-3587

### **1. The Parties**

The Complainant is Trimper's Rides of Ocean City, Inc., United States of America ("United States"), represented by Shorecraft, United States.

The Respondent is Lei Fu, China.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 4, 2025. On September 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 5, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 16, 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 19, 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 15, 2025.

The Center appointed John Swinson as the sole panelist in this matter on October 23, 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 operates an amusement park in Ocean City, Maryland, United States.

According to the history page on the Complainant's website at <trimperrides.com>, "Trimper Rides stands as America's longest-running family-owned amusement park—a living slice of Ocean City history that blends old-world attractions with newfangled thrills, all under the same beachy skies that first bewitched Daniel and Margaret Trimper over a century ago."

The Complainant has received national media coverage in the United States, including in the Washington Post. The Complainant is also well-known for historic rides and attractions, such as the 1912 Herschell-Spillman carousel.

The Respondent did not submit a Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in China.

The disputed domain name was registered on April 6, 2025.

On August 13, 2025, the website at the disputed domain name had content that gave the impression that the website was for the Complainant's amusement park, including for example, directions to the Complainant's park, photographs of what appears to be the Complainant's famous carousel, and references to the Complainant's history.

At the present time, the disputed domain name does not resolve to an active website.

#### **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.

In summary, the Complainant makes the following submissions:

The Complainant owns common law trademark rights in "Trimper's Rides" and Trimper Rides". These marks have been in continuous commercial use for over 100 years.

The Respondent has used the disputed domain name to create a fraudulent website that copied the branding and content from the Complainant's official website, which strongly suggests an intent to deceive. The inclusion of a non-functional payment portal indicates that the Respondent may have intended to collect payment or personal information under false pretenses. This is textbook cybersquatting.

##### **B. Respondent**

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

## **6. Discussion and Findings**

### **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.

Based on the evidence presented by the Complainant, the Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

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 other terms (here, the letter "s") may bear on assessment of the second and third elements, the Panel finds the addition of the letter "s" 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.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and 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 Respondent created a website at the disputed domain name that gave the strong but false impression that the Respondent's website was operated by the Complainant for the Complainant's famed amusement park. It is also troubling that the website appeared to have a sales facility (that was non-functional or a placeholder for a future sales facility) for taking payments from consumers. The Complainant asserts, and the Panel agrees, that such functionality (if activated) would be for fraudulent transactions.

The Panel is of the view that the Respondent was aware of the Complainant when the disputed domain name was registered. By registering the disputed domain name, which is substantially identical to the Complainant's trademark (with only the letter "s" added), and then using the disputed domain name for a website that impersonates the Complainant, demonstrates that the Respondent specifically knew of and targeted the Complainant. The Panel also considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

Moreover, panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, and potential fraud) 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 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 <trimpersrides.com> be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: November 6, 2025