

ADMINISTRATIVE PANEL DECISION

Tecovas, Inc. dba Tecovas v. 宝春斌 (Blairlucy), 宝春斌 (Lucy)
Case No. D2025-3618

1. The Parties

The Complainant is Tecovas, Inc. dba Tecovas, United States of America ("United States"), represented by Blakely Law Group, United States of America.

The Respondent is 宝春斌 (Blairlucy), 宝春斌 (Lucy), China.

2. The Domain Name and Registrar

The disputed domain name <tecovas-outlet.com> is registered with Xin Net Technology Corporation (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 5, 2025. On September 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (DOE Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 9, 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 in English on September 10, 2025.

On September 9, 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 September 10, 2025, the Complainant confirmed its request that English 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 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 in Chinese and English of the Complaint, and the proceedings commenced on September 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 22, 2025.

The Center appointed Douglas Clark as the sole panelist in this matter on October 27, 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 designs, markets and sells western-inspired footwear, apparel and accessory products through brick-and-mortar retail stores and online at "www.tecovas.com" and "www.tecovastradingpost.com". The Complainant registered and has been using its domain name <tecovas.com> since 2015. The Complainant registered and has been using its domain name <tecovastradingpost.com> since 2024.

The Complainant is the registered proprietor of the trade mark TECOVAS in the United States under Registration Nos. 5820875, registered on July 30, 2019; and 4961179, registered on May 17, 2016. This includes a registration in Class 35 for "Online retail store services featuring footwear, boots; online retail store services featuring western footwear, boots."

The Respondent is an individual apparently based in China.

At the time of filing of the Complaint, the website under the disputed domain name resolved to a page in English that appears to operate as a retail store featuring TECOVAS branded western-inspired footwear at discounted prices. The website bears the trade mark TECOVAS on the top left hand corner.

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 comprises the mark TECOVAS in its entirety and is identical or confusingly similar to the Complainant's trademarks.

The Respondent does not have rights and legitimate interests for the following reasons:

- (a) the Complainant exclusively owns the TECOVAS trademarks and has not licensed or otherwise authorized their use to the Respondent.
- (b) the Respondent's use of the TECOVAS trademarks is for commercial gain and does not constitute fair use.
- (c) the TECOVAS trademarks were registered by the Complainant before the initiation of this dispute.
- (d) the Respondent was not using the disputed domain name in connection with a bona fide offering of goods and services prior to the Complainant's registration of the TECOVAS marks.

The Registration and use of the disputed domain name is in bad faith:

- (a) by using the disputed domain name, the Respondent has intentionally attempted to attract for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's TECOVAS marks 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.
- (b) the Respondent registered the disputed domain name after the Complainant's trademark rights had accrued.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural Issue: 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. However, the Panel retains the authority to determine otherwise.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including:

- (a) the language/script of the disputed domain name is English, the same language/script as the Complainant's registered trademarks.
- (b) content contained on the webpage under the disputed domain name is in English.
- (c) the Complainant is unable to understand any language other than English.
- (d) requiring the Complainant to translate the Complaint or proceedings to any other language would result in unwarranted delay and unfairness to the Complainant.

The Respondent did not make any 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/service mark TECOVAS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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.

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 as applicable to this case: impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Moreover, the composition of the disputed domain name, incorporating the Complainant’s trademark with the added term “outlet”, carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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 disputed domain name, which was registered years after the registration of the Complainant’s TECOVAS marks, resolved to a website displaying the Complainant’s mark and purportedly offering for sale TECOVAS branded western-inspired footwear at discounted prices. Such use constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Respondent is clearly seeking to divert Internet users to the website under the disputed domain name by the use of the Complainant’s trade mark and the suffix “outlet”.

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 <tecovas-outlet.com> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: November 11, 2025