

ADMINISTRATIVE PANEL DECISION

American Tin Ceiling Company, LLC v. Kuranda met, Gantos
Case No. D2025-3878

1. The Parties

Complainant is American Tin Ceiling Company, LLC, United States of America ("United States" or "U.S."), represented by Butler Snow LLP, United States.

Respondent is Kuranda met, Gantos, United States.

2. The Domain Name and Registrar

The disputed domain name <americantinceilings.shop> (hereinafter the "Disputed Domain Name") is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 23, 2025. On September 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 25, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to Complainant on September 29, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 4, 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 Respondent of the Complaint, and the proceedings commenced on October 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 3, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on November 6, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on November 13, 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.

As further described below, on December 1, 2025, the Panel issued a Procedural Order directing Complainant to submit any evidence it had to substantiate an allegation. Complainant submitted a declaration in response to the Procedural Order on December 2, 2025. Respondent did not respond to Complainant's declaration.

4. Factual Background

Since 2004, Complainant has sold decorative tin ceiling tiles that it makes in the United States. In 2018, Complainant applied to register AMERICAN TIN CEILINGS (the "Mark") as a trademark based on a claim that the "mark has become distinctive of the goods/services through the applicant's substantially exclusive and continuous use of the mark in commerce that the U.S. Congress may lawfully regulate for at least the five years immediately before the date of this statement". The application was approved and United States trademark registration No. 5.744,753 for the Mark issued May 7, 2019.

The Disputed Domain Name was registered April 10, 2025. As explained further below, the Disputed Domain Name was active at some point, but it presently "can't be reached".

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Notably, Complainant alleges that "the domain name currently hosts an exact replica of <americantinceilings.com>". However, Complainant did not submit any evidence to support this allegation. The Panel issued a Procedural Order directing Complainant to submit any evidence it had to substantiate its allegation.

In response to the Procedural Order, Complainant's representative submitted a declaration signed by the Complainant's Senior Merchandising Manager affirming that on May 22, 2025, she visited the website to which the Disputed Domain Name resolved on that date. The declarant affirms that the website at the Disputed Domain Name on that date "was using [Complainant's] ... name and logo. The website ... also featured images, product descriptions, and other content stolen from [Complainant's] website ... and allowed customers to purchased products like those found on [Complainant's] website. [...] It is my opinion that the Disputed Domain Name hosted a replica website of americantinceings.com [...]".

B. Respondent

Respondent did not respond to the Complaint or the Procedural Order.

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 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.

Complainant has shown rights in respect of the Mark 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 identical 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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.

Although the Disputed Domain Name does not currently resolve to an active website, Complainant's declaration is evidence that Respondent used the Disputed Domain Name to host a website that impersonated Complainant by displaying Complainant's name and logo on the website to which the Disputed Domain Name resolved. The website also displayed images and product descriptions copied from Complainant's website and allowed Internet visitors to purchase products similar to those offered by Complainant.

Panels have held that the use of a domain name for impersonation/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 finds that Respondent registered the Disputed Domain Name in bad faith. Complainant's declaration affirms that the website associated with the Disputed Domain Name included not only Complainant's name and logo, but also images and product descriptions copied from Complainant's website.

Based on this evidence, the Panel infers that Respondent targeted Complainant when it registered the Disputed Domain Name. Complainant's declaration also affirms that Respondent offered to Internet visitors products similar to those offered by Complainant. The Panel accordingly finds that Respondent intentionally used the Disputed Domain Name "to attract, for commercial gain, Internet users to your web site or other on-line location, 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 or location". Policy paragraph 4(b)(iv).

The Panel finds that 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 <americantinceilings.shop> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: December 15, 2025