

ADMINISTRATIVE PANEL DECISION

Super73, Inc. v. KAI YIP CHEUNG

Case No. D2025-4168

1. The Parties

Complainant is Super73, Inc., United States of America (“United States”), represented by Stradling Yocca Carlson & Rauth, LLP, United States.

Respondent is KAI YIP CHEUNG, United States.

2. The Domain Name and Registrar

The disputed domain name <super73eu.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 11, 2025. On October 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 14, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on October 15, 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 16, 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 10, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 17, 2025.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on November 24, 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

Complainant is a leader in the manufacturer, designer, and seller of electric bicycles.

Complainant owns several registrations for its SUPER 73 and 73 trademarks, including for example: United States Trademark Registration No. 5256081, registered in International Class 12 on August 1, 2017 for SUPER 73; United States Trademark Registration No. 5762248, registered in International Class 12 on May 28, 2019 for SUPER 73; and European Union Trademark Registration No. 018100617, registered in Class 12 on December 13, 2019 for 73. Complainant also owns United States Trademark Registration No. 6223474, registered in International Class 12 on December 15, 2020 for a stylized writing version of its SUPER73 trademark.

The disputed domain name was registered July 22, 2025. It resolves to a website promoting the sale of e-bikes, parts, and accessories, and displaying Complainant's registered trademarks (including Complainant's registered stylized SUPER73 trademark) and logos and photos of products from Complainant's own website at "www.super73.com".

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.

Complainant alleges that Respondent is using the website under the disputed domain name to commercially offer unauthorized and unlicensed products using Complainant's registered, well-established brands. Complainant contends that Respondent is using the disputed domain name for a website that impersonates Complainant's official retail website and copies Complainant's trademarks and promotional photos without authorization.

B. Respondent

Respondent did not reply to 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 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 a trademark or service 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 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 term “eu”) may bear on assessment of the second and third elements, the Panel finds the addition of that term does not prevent a finding of confusing similarity between the disputed domain name and the mark for purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of Policy paragraph 4(a) 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.

The Panel accepts Complainant’s unopposed allegations that Respondent is not commonly known by the disputed domain name and that Complainant has not authorized Respondent to use its trademarks in the confusingly similar disputed domain name.

The Panel agrees with Complainant’s allegations that Respondent uses the disputed domain name to impersonate Complainant’s online business, copying visual elements, photographs from Complainant’s website of actual SUPER73 products, and Complainant’s registered trademarks (including logos and stylized writing marks).

Having reviewed the available record, the Panel finds that 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.

Panels have held that the use of a domain name for illegitimate activity (here, alleged impersonation/passing off or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that the second element of Policy paragraph 4(a) 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, there is clear evidence that Respondent is impersonating Complainant’s website, copying Complainant’s trademarks to commercially promote unlicensed and unauthorized electric bicycles (among other products). As elaborated below, the Panel finds that Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant’s marks in the sense of Policy paragraph 4(b)(iv) (evidence of bad faith).

Panels have held that the use of a domain name for illegitimate activity (here, alleged impersonation/passing off or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

A review of the Center's past UDRP decisions also reveals that Respondent has previously engaged in a pattern of abusive registration and use of domain names based on others' trademarks, leading to at least six UDRP panels since 2022 to order transfer of the relevant domain names (such as *Rothy's, Inc. v. KAI YIP CHEUNG*, WIPO Case No. [D2023-3971](#) and *NSN Apparel Co, LLC v. KAI YIP CHEUNG*, WIPO Case No. [D2024-3720](#)). Under the circumstances, the Panel finds that Respondent's bad faith is also established under Policy paragraph 4(b)(ii) (a respondent's pattern of abusive registrations may be evidence of bad faith for purposes of paragraph 4(a)(iii) of the Policy; see [WIPO Overview 3.0](#), section 3.1.2).

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. The Panel finds that Respondent's failure to respond to the Complaint in these proceedings is further evidence of bad faith.

The Panel finds that the third element of Policy paragraph 4(a) has been established.

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 <super73eu.com> be transferred to Complainant.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: December 8, 2025