

ADMINISTRATIVE PANEL DECISION

Bad Dragon Enterprises, Inc. v. 肖浩 (Xiao Hao)
Case No. D2025-4226

1. The Parties

The Complainant is Bad Dragon Enterprises, Inc., United States of America ("United States" or "U.S."), represented by RM Warner P.L.C., United States.

The Respondent is 肖浩 (Xiao Hao), China.

2. The Domain Name and Registrar

The disputed domain name <bad-dragon.store> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on October 15, 2025. On October 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 17, 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 (UNKNOWN RESPONDENT/Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 24, 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 in English on October 31, 2025.

On October 24, 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 October 31, 2025, the Complainant requested English to 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 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 in Chinese and English of the Complaint, and the proceedings commenced on November 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 26, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on November 28, 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 is an adult toy company based in the United States that has won numerous adult industry awards for its innovative, fantasy-themed adult products and designs. Primarily through the Complainant's e-commerce website at the domain name <bad-dragon.com>, along with other trade channels such as third-party retail stores, the Complainant advertises, markets, promotes, offers, sells, and distributes its adult products throughout the United States and other countries.

The Complainant owns a trademark portfolio for the trademark BAD DRAGON, including, but not limited to, the following registered trademarks: BAD DRAGON (word mark), United States Trademark Registration No. 3760809, in International Class 10 for "Adult sexual stimulation aids, namely, artificial penises, artificial vaginas", registered on March 16, 2010; BAD DRAGON (and design), United States Trademark Registration No. 4254009, in International Class 5 for "Personal lubricants", registered on December 4, 2012; and the logo mark , United States Trademark Registration No. 6440794, in International Class 35 for "On-line retail store services featuring various fantasy-themed goods, namely, fantasy-themed adult toys, clothing, stickers, cups and mugs, decals, lapel pins, backpacks, messenger bags, beach towels", registered on August 3, 2021.

The disputed domain name was registered on March 29, 2025, and pointed to an e-commerce store predominantly in English, which offered for sale adult products and prominently used the Complainant's BAD DRAGON word mark (and a re-colored version of the Complainant's abovementioned logo mark) on each page of the website at the disputed domain name. However, the Panel notes that on the date of this Decision, the disputed domain name points to an error or inactive 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.

Notably, the Complainant contends that the disputed domain name wholly incorporates and is effectively identical to its highly distinctive BAD DRAGON mark. The Complainant argues that the disputed domain name reproduces the mark in its entirety, including the dash used in the Complainant's own <bad-dragon.com> domain name. The Complainant submits that the only difference—the addition of the non-trademark element ".store" — is immaterial and does not prevent a finding of confusing similarity, consistent with established UDRP principles.

The Complainant also argues that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant contends that it has never authorized the Respondent to use its BAD DRAGON mark, that the Respondent is not commonly known by the disputed domain name, and that the Respondent registered the disputed domain name more than 17 years after the Complainant established trademark rights. The Complainant further submits that the Respondent's use of the disputed domain name

to operate an infringing e-commerce website offering identical products under the Complainant's marks is clear evidence that the Respondent is not engaged in any bona fide offering of goods or services or any legitimate noncommercial or fair use.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the Respondent is intentionally attempting to attract Internet users for commercial gain by impersonating the Complainant, prominently using the Complainant's trademarks, and offering directly competing products. The Complainant submits that the nature of the disputed domain name, the timing of its registration, the Respondent's use of privacy services, and the absence of any credible explanation for adopting the BAD DRAGON mark all demonstrate that the Respondent targeted the Complainant's well-established rights and is using the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary 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.

The Complaint and amended Complainant were filed in English. The Complainant requests that English be adopted as the language of the proceeding. In support of this request, the Complainant notes that the Respondent has demonstrated sufficient ability to communicate in English, as the website to which the disputed domain name resolves is predominantly in English and clearly targets an English-speaking customer base. The Complainant further submits that by operating an English-language website mimicking the Complainant's branding, the Respondent shows functional proficiency in English adequate for conducting the relevant commercial activities. The Complainant also highlights that the disputed domain name itself is in English and that the associated website uses U.S. Dollars as its transaction currency. Finally, the Complainant argues that conducting the proceeding in Chinese would result in unnecessary delay and additional costs.

The Respondent did not make any specific 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 Findings on the Merits

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 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 identical or 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 domain names 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.

Moreover, upon review of the facts and evidence, the Panel notes that the Respondent is not commonly known by the disputed domain name, is not licensed by the Complainant to use the BAD DRAGON mark in any way and has not provided any evidence of the use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Instead, the Panel notes that the disputed domain name directed to an active website which showed a clear intent on the part of the Respondent to misleadingly pass it off as the Complainant's website, e.g. by prominently using the Complainant's BAD DRAGON word mark (and a re-colored version of the Complainant's logo mark) on each page of the website at the disputed domain name and by allegedly offering for sale directly competing adult toy products. Panels have consistently held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Additionally, the Panel also finds that the nature of the disputed domain name, incorporating the Complainant's trademarks in their entirety and being nearly identical to the Complainant's own domain name for its official website, namely <bad-dragon.com>, carries a high risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant (see [WIPO Overview 3.0](#), section 2.5.1).

Finally, the Panel notes that on the date of this Decision, the disputed domain name directs to an error webpage. In this regard, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain name on the Respondent in this case (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

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 Panel notes that the Respondent registered the disputed domain name which is confusingly similar to the Complainant's marks (differing only in the dash sign) and that the Complainant's marks were registered over a decade before the registration date of the disputed domain name. The Panel finds that a simple Internet search or trademark search on the date of registration of the disputed domain name would have shown the Respondent that the Complainant owned prior registered trademarks for BAD DRAGON. The Panel therefore deduces from the Respondent's efforts to consciously target the Complainant's prior trademarks that the Respondent knew of the existence of the Complainant's trademarks at the time of registering the disputed domain name. This finding is further confirmed by the fact that the website linked to the disputed domain name was used as an imposter e-commerce store, prominently using the Complainant's BAD DRAGON word mark (and a re-colored version of the Complainant's logo mark) on every page of such website, since this proves that the Respondent was fully aware of the Complainant's business and its prior trademarks and attempted to impersonate the Complainant. In the Panel's view, the foregoing elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, the Complainant provides evidence that the disputed domain name directed to an active imposter e-commerce store marketing and offering for sale directly competing adult toy products by displaying the Complainant's trademarks on the website. The Panel concludes from these facts that the Respondent was intentionally attracting Internet users for commercial gain to such website, by creating consumer confusion between the website associated with the disputed domain name and the Complainant's trademarks. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. Furthermore, panels have consistently 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 Panel therefore finds that it has been demonstrated that the Respondent has used and is using the disputed domain name in bad faith.

However, the Panel notes that on the date of this Decision, the disputed domain name directs to an error or inactive website. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the longstanding use of the Complainant's trademarks, the composition of the disputed domain name, the past use of the disputed domain name in an impersonation scheme and the unlikelihood of any future good faith use of the disputed domain name by the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <bad-dragon.store> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: December 11, 2025