

ADMINISTRATIVE PANEL DECISION

FLRish IP, LLC v. Ivan Filippov
Case No. D2025-4320

1. The Parties

The Complainant is FLRish IP, LLC, United States of America, represented by Crown, LLP, United States of America.

The Respondent is Ivan Filippov, Ukraine.

2. The Domain Name and Registrar

The Disputed Domain Name <kingpenofficial.com> (the “Disputed Domain Name”) 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 October 21, 2025. On October 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 22, 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”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 23, 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 October 23, 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 October 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 18, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 21, 2025.

The Center appointed Nick J. Gardner as the sole panelist in this matter on December 1, 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 the intellectual property owner of the KINGPEN trademark, which it licenses to authorized cannabis manufacturers and distributors. Since 2015, the Complainant and its predecessors have offered cannabis concentrates, vaporizers and cartridges, and pre-rolls under the KINGPEN mark.

The Complainant (in the name of LP-KP IP Holdings, LLC) owns numerous trademark registrations for KINGPEN in multiple jurisdictions, including European Union, United Kingdom, China, United States, Canada, as well as registrations in Chile, Colombia, Israel, Jamaica, Oklahoma, South Africa, Thailand, and Uruguay. These registrations date from 2018-2022 and cover goods and services in Classes 3, 5, 9, 25, 34, and 44. See for example UK registration no UK0091748226 for KINGPEN registered on December 4, 2018. These trademarks are referred to as the KINGPEN trademark in this decision. The earliest date of registration of a KINGPEN trademark is December 4, 2018.

The Complainant's KINGPEN brand products are sold in over 50 per cent of dispensaries throughout California. Sales of KINGPEN products have achieved nearly USD 100 million in revenue since inception, with sales of over USD 19 million in 2024 alone.

The Disputed Domain Name was registered on March 28, 2018. The Disputed Domain Name resolves to a website (the "Respondent's website") that prominently displays the KINGPEN mark and branding, with a message stating WEBSITE TEMPORARILY DOWN and indicating an intent to resume operations.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Disputed Domain Name is identical or confusingly similar to its KINGPEN trademark, that the Respondent has no rights or legitimate interests in the Disputed Domain Name, and that the Disputed Domain Name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Preliminary Matters

The Panel notes that no communication has been received from the Respondent. However, given the Complaint and Written Notice were sent to the relevant addresses disclosed by the Registrar, then the Panel considers that this satisfies the requirement in paragraph 2(a) of the UDRP Rules to "employ reasonably available means calculated to achieve actual notice". Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

Substantive Matters

To succeed, in accordance with paragraph 4(a) of the Policy, the Complainant must satisfy the Panel that:

- (i) the Disputed Domain Name is identical with or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name;
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has rights in the KINGPEN trademark.

So far as the Complainant's registered trademarks are concerned the earliest of these was registered on December 4, 2018 which is after the date the Disputed Domain Name was registered. This in itself does not matter – the Panel agrees with the consensus approach as explained in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 1.1.3:

"1.1.3 While the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed.

The fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element.

Where a domain name has been registered before a complainant has acquired trademark rights, only in exceptional cases would a complainant be able to prove a respondent's bad faith." (See below as to bad faith issues).

However, in the present case the filed evidence establishes that the Complainant launched its KINGPEN brand in 2015 and the filed evidence shows substantial sales in 2018 – USD 8.1 million. Accordingly by the time the Disputed Domain Name was registered on March 28, 2018, the Complainant had built up a substantial business under and by reference to the term KINGPEN. Whilst the evidence is not particularly comprehensive the Panel is persuaded that the Complainant does have unregistered trade mark rights – in particular because the Respondent clearly thought it worthwhile to adopt the Complainant's KINGPEN brand name to attract Internet users to his own website. As the Panel noted in *NEOVIA, Hi-Nutrients International Ltd. v. WhoisGuard Protected, WhoisGuard, Inc. / Deniz Hus* WIPO Case No. [D2019-0600](#): "The Respondent did not provide arguments to the contrary; rather, in the Panel's view, the Respondent cannot dispute that, given it deliberately targeted the source identifier in an apparent fraud attempt. Such targeting of the Complainant is sufficient to establish limited trademark rights in the HI-NUTRIENTS trademark for the purposes of the Policy. See *PEMF Supply, LLC v. Domain Administrator, See PrivacyGuardian.org / Gregory Lewis, American Healthcare Foundation*, WIPO Case No. [D2019-0235](#) ("in light of the use of the PEMF SUPPLY mark that was submitted in this proceeding, the targeting of Complainant by Respondent is sufficient to establish Complainant has limited unregistered trademark rights in the PEMF SUPPLY mark for the purposes of the Policy"). See also *Greenspring Associates, Inc. v. Lisa Knowles, Victoria capital pty* WIPO Case No. [D2019-0265](#): "To that extent, Complainant has in fact used the domain name <gspring.com> as a source identifier for its services. One person who cannot dispute that fact is Respondent, who (as is discussed below) deliberately targeted that source identifier (<gspring.com>) to attempt to perpetrate a fraud via confusion. The Domain Name differs from the GSPRING mark only to the extent that the Domain Name replaces the 'i' with an 'l'. The visual similarity between the 'i' and the 'l' – especially when the font is small – is obvious".

Accordingly, the Panel concludes that the Complaint had established unregistered trademark rights in KINGPEN by the time the Disputed Domain Name was filed.

The Panel considers the Disputed Domain Name to be confusingly similar to the Complainant's KINGPEN trademark. It is established that the addition of a descriptive term (such as here "official") to the disputed domain name has little, if any, effect on a determination of legal identity between the domain name and the mark (*Quixtar Investments, Inc. v. Dennis Hoffman*, WIPO Case No. [D2000-0253](#)); furthermore, mere addition of a generic or descriptive term does not exclude the likelihood of confusion (*PRL USA Holdings, Inc. v. Spiral Matrix*, WIPO Case No. [D2006-0189](#)).

Further the addition of the term "official" does not prevent a finding of confusing similarity. Indeed, the term "official" may heighten the confusing similarity by suggesting an authorized or genuine connection with the trademark owner.

It is also well established that the generic Top-Level Domain ("gTLD"), in this case ".com", does not affect the Disputed Domain Name for the purpose of determining whether it is identical or confusingly similar. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trademark and hence the first condition of paragraph 4(a) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances any of which is sufficient to demonstrate that a respondent has rights or legitimate interests in a domain name:

- (i) before any notice to the respondent of the dispute, use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

None of these apply in the present circumstances. The Complainant has not authorised, licensed, or permitted the Respondent to register or use the Disputed Domain Name or to use the KINGPEN trademark. The Complainant's use of the term KINGPEN in trade predates the Respondent's acquisition of the Disputed Domain Name. As discussed above, the Panel considers such use establishes that the Complainant had common law trademark rights at the date the Respondent acquired the Disputed Domain Name. The Complainant has therefore established a prima facie case that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the Disputed Domain Name (see, for example, *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#); *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the Disputed Domain Name. Accordingly, the Panel finds the Respondent has no rights or legitimate interests in the Disputed Domain Name and the second condition of paragraph 4(a) of the Policy has been fulfilled.

C. Registered and Used in Bad Faith

The content displayed on the Respondent's website prominently displays the KINGPEN mark, uses branding consistent with the Complainant's products, and displays what appear to be images of cannabis vaporizer cartridges bearing the KINGPEN mark.

It is manifestly unlikely that the Respondent would have selected the Disputed Domain Name, which combines the distinctive KINGPEN mark with the term "official", without actual knowledge of the Complainant and its trademark rights. The term "official" suggests an intent to create the false impression of an authorized or official website for the Complainant's products. There is no evidence that the trademarked term KINGPEN has any meaning other than in relation to the Complainant and its products.

The Panel does not consider that it matters that the Complainant did not have any registered trademark rights at the time the Disputed Domain Name was registered. The Complainant's evidence shows significant business activity with effect from 2015 which in the Panel's view establishes common law rights in the term KINGPEN for the purpose of the Policy (see discussion above).

Further the Panel notes that the Respondent has not filed a Response and hence not provided any positive case as to good faith that he might have. The Panel infers that none exists.

Accordingly, the Panel finds that the Disputed Domain Name was registered and is being used in bad faith, and the Complainant has satisfied paragraph 4(a)(iii) 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 <kingpenofficial.com> be transferred to the Complainant.

/Nick J. Gardner/

Nick J. Gardner

Sole Panelist

Date: December 15, 2025