

ADMINISTRATIVE PANEL DECISION

Crutchfield Corporation v. 文运辉 (wen yunhui)
Case No. D2025-4415

1. The Parties

The Complainant is Crutchfield Corporation, United States of America ("United States"), represented by Brann & Isaacson, United States.

The Respondent is 文运辉 (wen yunhui), China.

2. The Domain Name and Registrar

The disputed domain name <crutchfield-usa.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 October 27, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 Registrant / REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 31, 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 the same day.

On October 31, 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 the same day, 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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 1, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on December 8, 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 a Virginia corporation headquartered in Charlottesville, Virginia, United States, having offered electronics and similar goods under the CRUTCHFIELD brand since 1974. The Complainant relies on its CRUTCHFIELD trademark in marketing its goods and services to the consuming public and is well-known as a provider of its goods and services. The Complainant has an annual distribution exceeding 5,000,000 catalogs.

The Complainant owns the following federally registered trademark through the United States Patent and Trademark Office: CRUTCHFIELD, United States Trademark Registration No.1,994,416, registered on August 20, 1996, with a first use in commerce in August 1974, in international class 42 (hereinafter referred to as the CRUTCHFIELD mark). From 1974 to the present, the Complainant has continuously used the CRUTCHFIELD mark in commerce in connection with the retail, mail order, and online sale of its goods. The Panel also notes that the CRUTCHFIELD mark has been recognized as a well-known trademark by prior panels applying the Policy, see for instance: *Crutchfield Corporation v. Williams Bogdan*, WIPO Case No. [D2024-3275](#).

The Complainant owns the <crutchfield.com> domain name, which resolves to its official website and through which it conducts business.

The disputed domain name was registered on June 27, 2025 and resolved to an active website predominantly in English and branded as the KAIHE store, offering for sale products including children's toys and home decoration products. However, on the date of this Decision, the disputed domain name directs to an error page.

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 it has established rights in the trademark CRUTCHFIELD through its longstanding and continuous use since 1974 and its United States federal trademark registration dating from 1996. The Complainant contends that the disputed domain name wholly incorporates the CRUTCHFIELD mark, with the mere addition of the non-distinctive term "usa," which does not dispel confusing similarity. The Complainant submits that such incorporation of a trademark in its entirety, together with a geographical term, is well recognized under the UDRP as sufficient to establish confusing similarity.

With respect to the second element, the Complainant submits 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 CRUTCHFIELD mark and that the Respondent has no independent rights in, or legitimate connection to, that mark. The Complainant further argues that the Respondent is not making any

bona fide offering of goods or services, but is instead using the disputed domain name to divert Internet users to a website purportedly offering fraudulent or counterfeit goods, which cannot confer rights or legitimate interests under the Policy.

Regarding the third element, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant argues that, given the distinctiveness and reputation of the CRUTCHFIELD mark, the Respondent was clearly aware of the Complainant and intentionally registered the disputed domain name to create a likelihood of confusion for commercial gain. The Complainant submits that the Respondent's use of the disputed domain name to divert consumers seeking the Complainant to a deceptive website offering counterfeit goods constitutes bad faith registration and use 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 was filed in English. The Complainant requests that English be accepted as the language of the proceeding. In support of this request, the Complainant submits that the disputed domain name resolves to a website displayed entirely in English, demonstrating that the Respondent is capable of understanding and using the English language. The Complainant further contends that requiring translation of the Complaint into Chinese would entail significant additional time and expense, resulting in unfairness and unwarranted delay to the proceeding.

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.

Although the addition of other terms here, “-usa”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 CRUTCHFIELD 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 previously resolved to an active website, evidencing a clear intent on the part of the Respondent to divert Internet traffic through the use of the Complainant’s CRUTCHFIELD mark in the disputed domain name to lead it to an unrelated website offering other products (including children’s toys and home décor items) for commercial gain. The Panel also notes that the Complainant asserts, but did not provide relevant evidence, that such use involved the offering of counterfeit goods and/or constituted an attempt to improperly obtain personal information from consumers.

Additionally, the Panel also finds that the nature of the disputed domain name, incorporating the Complainant’s well-known trademark in its entirety and consisting only of the Complainant’s mark and the common geographical abbreviation “usa” (which is a common abbreviation for United States, where the Complainant is based), carries a 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 contains the Complainant's well-known mark in its entirety and that the Complainant's mark was registered many years 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 trademark for CRUTCHFIELD. Therefore, the Panel finds that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant's prior well-known trademark for CRUTCHFIELD. The Panel finds that this creates a presumption of bad faith. 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 e-commerce store where products including children's toys and home decoration products were offered for sale under the KAIHE brand. 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 trademark. This constitutes direct evidence of the Respondent's bad faith under paragraph 4(b)(iv) of the Policy. 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 well-known nature and longstanding use of the Complainant's trademark, the composition of the disputed domain name, 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 <crutchfield-usa.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: December 22, 2025