

ADMINISTRATIVE PANEL DECISION

Curio Brands, LLC v. 石军(shijun, shi jun)
Case No. D2025-4562

1. The Parties

The Complainant is Curio Brands, LLC, United States of America (“United States”), represented by Fredrikson & Byron, P.A., United States.

The Respondent is 石军(shijun, shi jun), China.

2. The Domain Name and Registrar

The disputed domain name <thymesdiffusers.com> is registered with Xin Net Technology Corp. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 4, 2025. On November 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 6, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On November 6, 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 November 6, 2025, 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 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 in English and Chinese, and the proceedings commenced on November 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 1, 2025.

The Center appointed Karen Fong as the sole panelist in this matter on December 4, 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 specialises in the manufacture and retail sale of bath and body products, candles, cleaning products, and home fragrances. Since 2005, the Complainant and its predecessors in title have used the trade mark THYMES in connection with its products. The Complainant also uses a “T” logo (the “Logo”) on its products, packaging and website in connection with the THYMES trade mark.

The Complainant is the owner of numerous trade mark registrations for THYMES in jurisdictions around the world including the following:

- United States Trade Mark Registration No. 3288716 for THYMES registered on September 4, 2007;
- European Union Trade Mark Registration No. 013201546 for THYMES registered on December 11, 2014;
- China Trade Mark Registration No. 8101900 for THYMES and the Logo registered on July 7, 2013;

(individually and collectively referred to as the “Trade Mark”).

The Complainant’s principal website is at the domain name <thymes.com> registered February 11, 1996.

The Respondent, who appears to be based in China, registered the disputed domain name on June 16, 2025. The disputed domain name resolves to a website which display the Trade Mark and the Logo prominently, mimics the Complainant’s own website including using its images and purportedly offers for sale merchandise that bears the Trade Mark at discounted or “sale” prices and purports to be the Complainant’s products (the “Website”). The Respondent also uses other trade marks owned by the Complainant including AQUA CORALLINE, CITRONELLA GROVE, and PUMPKIN LAUREL.

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 is confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to 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

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 requested that the language of the proceeding be English for the following main reasons:

- The disputed domain name is in Latin characters;
- The content on the Website is in English;
- The Complainant is unable to communicate in Chinese and translation of the Complaint would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter.

The Respondent has not challenged the Complainant's language request and in fact has failed to file a response in either English or Chinese despite being duly notified by the Center in both English and Chinese of the language of the proceeding and of the commencement 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 Substantive Issues

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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the word "diffusers" after the Trade Mark may bear on assessment of the second and third elements, the Panel finds the addition of the words does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, 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.

While 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 often impossible 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. 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 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, the nature of the disputed domain name, adding the term "diffusers" which is descriptive of some of the products sold under the Trade Mark is inherently misleading as it effectively impersonates or suggests sponsorship or endorsement by the Complainant.

Based on the available record, the Panel finds the second element of the Policy has been established.

D. 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 sets out a non-exhaustive list of circumstances which, 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 must have been aware of the Trade Mark when he/she registered the disputed domain names given the Trade Mark was registered prior to registration of the disputed domain name and the use of the Trade Mark and the Logo on the Website. It is therefore implausible that the Respondent was unaware of the Complainant when he/she registered the disputed domain name.

As stated in [WIPO Overview 3.0](#), section 3.2.2:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name without any explanation is also a significant factor to consider (as stated in [WIPO Overview 3.0](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith. The fact that the disputed domain name includes the word "diffusers" further indicates that the Respondent specifically targeted the Complainant when registering the disputed domain name given that the Complainant offers diffusers as part of its product line under the Trade Mark.

The disputed domain name is also being used in bad faith. The products offered for sale on the Website are likely to be counterfeit and/or unauthorised THYMES products considering the products sold on the Website are discounted and the fact that there is no relationship between the Parties. That being said, it is not necessary for the Panel to make any ultimate determination as to the nature of the products, as the evidence clearly shows that the Website prominently displays the Trade Mark and the Logo, with a vague disclaimer "We are a wholesaler in business since 1998", which, in the Panel's view, does not disclose (the lack of) relationship between the Parties. Furthermore, the Website displays the copyright images of the Complainant which is calculated to give the impression it has been authorized by or connected to the Complainant when this is not the case. The Website is set up to deliberately mislead Internet users into believing that they are connected to, authorised by or affiliated with the Complainant. From the above, the Panel concludes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by misleading them into believing that the Website is, and the products sold on them are those of or authorised or endorsed by the Complainant.

It is highly likely that Internet users typing the disputed domain name into their browser, or encountering it via a search engine, would be expecting to reach a website operated by, or affiliated with, the Complainant. The disputed domain name is therefore inherently misleading and likely to cause confusion among Internet users, particularly as it incorporates the Complainant's distinctive Trade Mark and is almost identical to the Complainant's own domain name.

The Panel finds that the Respondent is seeking to exploit the reputation of the Trade Mark in order to mislead Internet users into visiting the Respondent's Website. On the basis of the record, the Panel concludes that the Respondent has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Website, within the meaning of paragraph 4(b)(iv) of the Policy.

Taking all of the above circumstances into account, the Panel finds that the disputed domain name has been registered and is being used in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the third element of the Policy has been satisfied.

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 <thymesdiffusers.com> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: December 18, 2025