

## **ADMINISTRATIVE PANEL DECISION**

Cascade Designs, Inc. v. Tommy Hodges  
Case No. D2025-4738

### **1. The Parties**

Complainant is Cascade Designs, Inc., United States of America (the “United States” or “U.S.”), represented by Baker & Hostetler, LLP, United States.

Respondent is Tommy Hodges, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <platypuswaterfilter.com> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 15, 2025. On November 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On November 18, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on November 18, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 20, 2025.

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 Respondent of the Complaint, and the proceedings commenced on November 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 14, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 15, 2025.

The Center appointed Douglas M. Isenberg as the sole panelist in this matter on December 17, 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 states that it is “a well-known company specializing in outdoor recreation products”; and that it “was founded in 1972 by a mix of former Boeing engineers and since then has become the parent company of some of the most respected brands in the outdoor industry throughout the world.” The foregoing statements, as well as other factual assertions in the Complaint, are supported by a declaration from Complainant’s Vice President.

Complainant states, and provides documentation to support, that it is the owner of the following trademark registrations:

- U.S. Reg. No. 2,352,954 for PLATYPUS (registered May 30, 2000) for use in connection with, inter alia, “universal water purification filter unit adaptor cap assemblies and shower nozzle cap assemblies for outdoor recreational and travel uses”; and
- U.S. Reg. No. 4,163,097 for PLATY (registered June 26, 2012) for use in connection with, inter alia, - “collapsible plastic water bottles of various sizes and sold empty”.

U.S. Reg. No. 2,352,954 for PLATYPUS is referred to herein as the “PLATYPUS Trademark.”

The Disputed Domain Name was registered on September 2, 2025. Complainant states that the Disputed Domain Name is used in connection with a website that “is identical to Complainant’s site, listing Complainant’s products for sale through defunct links which merely redirect users back to the Disputed Domain Name website.” However, a printout provided by Complainant of Complainant’s website and the website using the Disputed Domain Name does not show them to be identical, although they both offer water filter products in connection with the PLATYPUS Trademark.

#### **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. Notably, Complainant contends that:

- The Disputed Domain Name is confusingly similar to the PLATYPUS Trademark because, inter alia, the Disputed Domain Name “uses [the] full” PLATYPUS Trademark plus terms (“water” and “filter”) that describe Complainant’s goods and “do[] not distinguish” the Disputed Domain Name from the PLATYPUS Trademark;
- Respondent has no rights or legitimate interests in the Disputed Domain Name because, inter alia, “Respondent originally registered the domain name in a manner concealing its identity,” so “there is no basis to find that Respondent is commonly known by the Disputed Domain Name”; “Respondent has no connection to Complainant, and Complainant has not authorized, licensed, or endorsed Respondent’s use of its PLATYPUS Marks in the Disputed Domain Name”; and “Respondent seeks to mislead users into believing there is an association or affiliation with Complainant by incorporating Complainant’s name and replicating the look and feel of Complainant’s official website on the Disputed Domain Name website”;

- The Disputed Domain Name was registered and is being used in bad faith because, inter alia, “the use of Complainant’s name, exact logo and images of its products demonstrate that Respondent had actual notice of the PLATYPUS Marks and services”; “the fact that the Disputed Domain Name website is identical to Complainant’s site, listing Complainant’s products for sale through defunct links which merely redirect users back to the Disputed Domain Name website, indicates that Respondent registered the site in bad faith”; “[t]he fact that the links [on Respondent’s website to check prices] are defunct further demonstrates that the Disputed Domain Name website was likely designed to attract Internet users by creating a likelihood of confusion and further evidences bad faith”; and “bad faith is further evidenced by the registrant’s having affirmatively concealed its true identity by means of a proxy service.”

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

Based upon the trademark registrations cited by Complainant, it is apparent that Complainant has rights in and to the PLATYPUS Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the PLATYPUS Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “platypuswaterfilter”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.11.1.

As set forth in section 1.7 of [WIPO Overview 3.0](#): “in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.” Here, of course, the Disputed Domain Name incorporates the entirety of the PLATYPUS Trademark.

Although the addition of other terms (here, “water” and “filter,”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. As set forth in [WIPO Overview 3.0](#), section 1.8: “Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Complainant has argued that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “Respondent originally registered the domain name in a manner concealing its identity,” so “there is no basis to find that Respondent is commonly known by the Disputed Domain Name”; “Respondent has no connection to Complainant, and Complainant has not authorized, licensed, or endorsed Respondent’s use of its PLATYPUS Marks in the Disputed Domain Name”; and “Respondent seeks to mislead users into believing there is an association or affiliation with Complainant by incorporating Complainant’s name and replicating the look and feel of Complainant’s official website on the Disputed Domain Name website.”

[WIPO Overview 3.0](#), section 2.1, states: “[w]hile 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.”

To the extent that Respondent might consider itself a reseller of Complainant’s products (an assertion that has not been raised, given that Respondent did not submit a Response), Respondent nevertheless lacks rights or legitimate interests under the landmark decision in *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). Among other things, the test set forth in *Okidata* requires a reseller, to establish rights or legitimate interests, to show that it is actually offering the goods at issue and that it accurately and prominently discloses its relationship (or lack thereof) with the trademark owner. Here, the record indicates that Respondent has done neither.

The Panel finds that Complainant has established its prima facie case and without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the Policy.

### **C. Registered and Used in Bad Faith**

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

By selling (or, at least, purporting to sell) water filtration products that are the same as (or, at least, similar to) the products sold by Complainant in connection with the PLATYPUS Trademark, without permission and without disclosing its lack of relationship with Complainant, Respondent is creating a likelihood of confusion pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *Arla Foods amba v. Juccho Holdings*, WIPO Case No. [D2006-0409](#) (“the practice of registering a domain name and using it to redirect a user to a website which is used for the sale of competing services constitutes evidence of registering and using a trademark in bad faith”); *Janie and Jack LLC v. jing guan*, WIPO Case No. [D2024-1004](#) (finding bad faith where “the disputed domain name resolved to a website purporting to sell clothing for children using the [complainant’s] mark without disclosing the Respondent’s lack of a relationship with the Complainant”); and *DocuSign, Inc. v. Traffic CPMiPV, Maria Carter*, WIPO Case No. [D2010-0344](#) (creating a website that appears to be a website for a complainant is “likely fraudulent” and “indicates an intent to deceive or, at a minimum, act in bad faith with the intent for commercial gain”).

The Panel finds the third element of the Policy 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 <platypuswaterfilter.com> be transferred to the Complainant.

*/Douglas M. Isenberg/*

**Douglas M. Isenberg**

Sole Panelist

Date: December 21, 2025