

ADMINISTRATIVE PANEL DECISION

GPCP IP HOLDINGS LLC v. zhou keda

Case No. D2025-4988

1. The Parties

The Complainant is GPCP IP HOLDINGS LLC, United States of America ("United States"), represented by KHerrick LLC, United States.

The Respondent is zhou keda, China.

2. The Domain Name and Registrar

The disputed domain name <marathonofficial.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 December 1, 2025. On December 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 3, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 3, 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 on December 3, 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 the Respondent of the Complaint, and the proceedings commenced on December 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 29, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on January 7, 2026. 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 Delaware company which offers products including paper towel dispenser, bath tissue, dinner napkin, and has been using the MARATHON mark in connection with its products for many years.

The Complainant owns various trademarks for the MARATHON mark, including the United States Trademark Registration No. 5452165 for MARATHON in Class 21 registered on April 24, 2018, and the United States Trademark Registration No. 7001043 for MARATHON in Class 20 registered on March 14, 2023 (collectively, the "Complainant's Trademark").

The Disputed Domain Name was registered on May 25, 2025, many years after the Complainant registered the Complainant's Trademark. At the time of filing of the Complaint and the rendering of this Decision, the Disputed Domain Name resolved to an active website (the "Respondent's Website") that prominently featured the Complainant's Trademark and logo, and advertised the Complainant's paper products and dispensers with photos and detailed descriptions of the products.

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:

- (a) The Disputed Domain Name includes the Complainant's Trademark and purports to be the "official" domain name for the brand, even though it has no connection to the Complainant. The Respondent's Website features images of the Complainant's MARATHON branded products and is intended to confuse the Complainant's customers into believing that the Disputed Domain Name is associated with the Complainant and the Complainant's products.
- (b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. There is no evidence of the Respondent's use of or demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. The Respondent registered the Disputed Domain Name in May 2025, long after the Complainant commenced use of and registered the Complainant's Trademark. The Respondent simply copied images of the Complainant's products from online retailers and posted them on the Respondent's Website without consent from the Complainant. The Respondent is using the Disputed Domain Name with an attempt to free ride on the considerable goodwill associated with the Complainant's Trademark, defraud the Complainant's customers and to disrupt the Complainant's business.
- (c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The Respondent has registered and used the Disputed Domain Name to disrupt the Complainant's business, or to attract the Complainant's customers to the Respondent's Website by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. There is no doubt that the Respondent is aware of the Complainant's Trademark given that the Respondent's Website features the Complainant's Trademark and images of the Complainant's products. The Respondent's Website directs consumers to contact

the Respondent without providing any accurate contact information. This fraudulent use of the Complainant's Trademark and products would likely cause damage to the Complainant's reputation and the goodwill associated with the Complainant's Trademark.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed Domain Name is identical 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; and
- (iii) the Disputed Domain Name has been registered and is being used by the Respondent in bad faith.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition (["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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "official") 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 Complainant's Trademark 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 a domain name 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. The Respondent would likely not have adopted the Complainant's Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant. The reproduction of the Complainant's Trademark and the use of the term "official" within the Disputed Domain Name, as well as the use of the Complainant's Trademark and pictures of the Complainant's products on the Respondent's Website, taken together leads to a risk of consumer confusion through implied affiliation as the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

There is also no evidence to suggest that the Respondent's use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or be regarded as legitimate noncommercial or fair use. The Respondent's Website is used to impersonate the Complainant by prominently featuring the Complainant's Trademark, advertising the Complainant's products and displaying the Complainant's product images. The Respondent's Website claims that it launched the Marathon brand in 1965, and that the Marathon branded paper towels, toilet tissue, and napkins are "proudly made at their own American paper mills". Panels have held that the use of a domain name for illegitimate activity here, impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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

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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the Respondent who is not affiliated with the Complainant, that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety, adding the term "official", and the Respondent's Website displays the Complainant's Trademark, advertises the Complainant's products without the Complainant's authorization, and claims that its founders launched the Marathon brand. The Respondent registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's

Website. Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

The Panel also notes that the Respondent must have been aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name, given that the Complainant's Trademark was put into use well before the Respondent registered the Disputed Domain Name, and that the Respondent's Website displays the Complainant's Trademark and images of the Complainant's products, and further claims that its founders launched the Marathon brand for paper towels, toilet tissue, and napkins – the same products also offered by the Complainant under the Marathon brand.

Panels have held that the use of a domain name for illegitimate activity, impersonation or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes 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 <marathonofficial.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: January 22, 2026