

ADMINISTRATIVE PANEL DECISION

G4 2010, LLC v. Liu Ying Huan (刘迎欢)

Case No. D2025-5032

1. The Parties

The Complainant is G4 2010, LLC, United States of America, represented by DLA Piper US LLP, United States of America.

The Respondent is Liu Ying Huan (刘迎欢), China.

2. The Domain Name and Registrar

The disputed domain name <promarkofficial.com> is registered with eName Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on December 4, 2025. On December 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 5, 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 (eName Technology Co., Ltd.) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 16, 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 in English on January 6, 2026.

On December 16, 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 January 6, 2026, 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 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 in English and Chinese of the Complaint, and the proceedings commenced on January 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 27, 2026.

The Center appointed Dr. Hong Xue as the sole panelist in this matter on February 6, 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 the exclusive owner of the PROMARK trademarks and is an affiliate of D'Addario & Company, Inc ("D'Addario"). Its drumsticks and other products marked with PROMARK are sold through D'Addario's online retail store and platform at "www.daddario.com". The PROMARK trademark registrations owned by the Complainant include the following ones:

- PROMARK (No. 1133088) registered in the United States of America on April 15, 1980;
- PROMARK (No. 4914205) registered in the United States of America on March 8, 2016;
- PROMARK (No. 13525381) registered in China on February 14, 2015; and,
- PROMARK (No. 12270112) registered in European Union and United Kingdom on April 11, 2014.

The disputed domain name <promarkofficial.com> was registered by the Respondent on February 25, 2025. The domain name registration information confirmed by the Registrar shows that the Respondent is an individual residing in China.

According to the evidence submitted by the Complainant, the disputed domain name is being used by a website at "www.promarkofficial.com" offering to sell a variety of PROMARK drumsticks and stick bags. The website shows the marks of PROMARK on many web pages, poses itself as "PROMARK STORE", and promotes "Promark's most durable Classic 5A", "FireGrain 5A drumsticks", etc.

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 contains the PROMARK trademark and refers to itself as "official". The disputed domain name is confusingly similar to the Complainant's mark.

To the Complainant's knowledge, the Respondent has not filed any applications for registration of PROMARK in any trademark offices or jurisdictions worldwide. The Respondent has no business relationship with the Complainant. Complainant has not licensed or otherwise permitted the Respondent to use the PROMARK trademark or to apply for any domain name incorporating the PROMARK trademark. The Respondent has no rights or legitimate interests in respect of the disputed domain name.

By posing as the Complainant and/or as an online retail platform featuring PROMARK products at discounted prices, the Respondent has intentionally attempted to attract, for commercial gain and apparently fraudulent gain, consumers to the website, and has created a likelihood of confusion with the Complainant's PROMARK mark. The Respondent has registered and used the disputed domain names in bad faith.

The Complainant requests that the disputed domain name <promarkofficial.com> be transferred to the Complainant.

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 several reasons, including the fact that the disputed domain name itself (i.e., "promark official") and the content appearing on the website under the disputed domain name are in English language.

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 ("[WIPO Overview 3.1](#)"), section 4.5.1).

Having considered all the matters above, and also noting that the disputed domain name is in English characters, that the Complainant's evidence shows that the disputed domain name is being used by a website that are entirely in English, and that the Respondent does not object to the Complainant's request for adopting English as the language of proceeding, 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 trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of PROMARK for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the PROMARK mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the generic word "official" suffixed to "promark" 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 mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), 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.

Panels have held that the use of a domain name for passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1. The Panel notes that the Respondent’s use of the disputed domain name for a website pretending to be the official store of the Complainant’s PROMARK drumsticks and other products can hardly prove the Respondent’s rights or legitimate interests under the Policy.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for passing off constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

In the present case, the Respondent had not only registered the disputed domain name that is confusingly similar to the Complainant’s PROMARK mark that has been registered and used on drumsticks and related products for more than a decade, but is also using the disputed domain name for a website posing as “the PROMARK STORE”, offering to sell PROMARK drumsticks and stick bags, imitating/copying the contents from PROMARK D’Addario’s online retail store such as “Promark’s most durable classic 5A”, “FireGrain 5A drumsticks”, etc., and labelling the suspect marketing areas with the national flags of the United States of America, United Kingdom, and some European countries, etc.

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 <promarkofficial.com> be transferred to the Complainant.

/Dr. Hong Xue/

Dr. Hong Xue

Sole Panelist

Date: February 20, 2026