

## **ADMINISTRATIVE PANEL DECISION**

Laurmark Enterprises, Inc. v. bi pingpin  
Case No. D2025-5263

### **1. The Parties**

The Complainant is Laurmark Enterprises, Inc., United States of America (“United States”), represented by MacMillan, Sobanski & Todd, LLC, United States.

The Respondent is bi pingpin, China.

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

The disputed domain name <thebakflip.com> 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 17, 2025. On December 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 18, 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. The Complainant filed an amended Complaint on December 18, 2025, correcting certain information contained in the initial Complaint.

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 of the Complaint, and the proceedings commenced on December 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 13, 2026.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on January 21, 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, based in California, United States, is in the business of selling tonneau covers for pickup trucks, which are being sold under the BAKFLIP trademark.

The Complainant owns a United States trademark registration for the word mark BAKFLIP, No. 3,904,016 for "Tonneau covers for pickup trucks" (class 12), registered January 11, 2011, claiming a date of first use in the United States commerce of February 23, 2005.

The disputed domain name was registered on June 18, 2024, and resolves to a website which apparently offers for sale (or at least advertises) BAKFLIP-branded truck bed covers. The website prominently displays the trademark and on its "About Us" page mentions the text: "Here at Bakflip [...] we believe that truck owners deserve the very best Tonneau covers [...]."

#### **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 the following.

The Respondent is not making use of the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Respondent is using the disputed domain name in an unauthorized and illegitimate manner, for commercial gain, to trade on the Complainant's goodwill in the trademark and to drive traffic to the Respondent's website, which depicts the Respondent's unauthorized and illegitimate use of the Complainant's trademark. The Respondent is not an authorized distributor, reseller, or service provider of the Complainant. The Respondent is not making fair use of the Complainant's trademark in the sale of the Complainant's goods. The Oki Data criteria are not met, in particular as the Respondent is not offering the goods for sale at the website and the Respondent has not made it clear that he is not the owner of the trademark and has not accurately disclosed the absence of any relationship with the Complainant.

On the contrary, the Respondent is holding himself out as the trademark owner, as on the website it is stating: "Bakflip is the original inventor and leading innovator of premium retractable truck bed tonneau covers. Founded in 1982 by Dave Bak, our company brought the revolutionary concept of a multi-panel folding truck bed cover to the automotive market.... Operating out of our 125,000 square foot manufacturing facility in Madison Heights, Michigan, Bakflip tonneau covers are proudly designed and hand-assembled in the USA." In addition, the Respondent has adopted and is using a figurative mark materially identical to the Complainant's BAKFLIP (design) trademark on its website, which further exacerbates the deception and confusion caused by the Respondent's activities.

By registering and using the disputed domain name as described above the Respondent is intentionally attempting to trade on the Complainant's goodwill and to attract, for commercial gain, Internet users to his website by creating a likelihood of confusion with Complainant as to the source, sponsorship, affiliation, and/or endorsement of the Respondent's website.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions

## 6. Discussion and Findings

### 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 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 3.0](#), section 1.7.

Although the addition of other terms here, the article "the", 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 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.

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.

Even if the Respondent was offering goods of the Complainant on the website at the disputed domain name, the Respondent would not be considered as having rights or legitimate interests in the disputed domain name, under the so-called "Oki Data" test enshrined in section 2.8.1 of the [WIPO Overview 3.0](#). The available record before the Panel does not show that the Respondent would meet the requirements of the Oki Data test. In particular the Panel finds that the Respondent is holding himself out as the trademark owner.

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

### C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B above.

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 has intentionally attempted to attract, for commercial gain, Internet users to the website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, and endorsement of the website to which the disputed domain name resolves.

As referred to above, the Panel finds that the Respondent is holding himself out as the trademark owner, as the disputed domain name resolves to the website which clearly gives the impression that it is the Complainant's official website.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation, 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 <thebakflip.com> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: January 26, 2026