

ADMINISTRATIVE PANEL DECISION

Rugged Liner, Inc. v. 杨越 (yang yue)

Case No. D2025-5271

1. The Parties

The Complainant is Rugged Liner, Inc., United States of America (“U.S.”), represented by MacMillan, Sobanski & Todd, LLC, U.S.

The Respondent is 杨越 (yang yue), China.

2. The Domain Name and Registrar

The disputed domain name <theruggedliner.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English 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.

On December 18, 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 December 18, 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 in Chinese and English of the Complaint, and the proceedings commenced on December 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2026.

The Center appointed Hong Yang as the sole panelist in this matter on January 22, 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 U.S. company which designs and manufactures truck bed liners, covers and accessories. It has been active in the industry of truck bed protection for over 15 years, and the brand RUGGED LINER it owns has been in use and put in commerce since 40 years ago.

The Complainant owns at least a trademark containing the term "Rugged Liner", which is the following: U.S. Registration No. 3,250,772 for RUGGED LINER (word), registered on June 12, 2007.

The disputed domain name was registered on January 9, 2025. At the time of filing of the Complaint, the disputed domain name resolved to a website offering for sale products from the Complainant by redirecting users through the links listed under product images to a third-party electronic commerce platform. The website under the disputed domain name claimed to be the Complainant in the introduction page, the "About Rugged Liner" page as well as the "Terms and Conditions" page, using the Complainant's word mark with the ® sign as well as a designed logo containing the word mark in the top area of the site.

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.

B. Respondent

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

6. Discussion and Findings

6.1 Procedural 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: (1) the disputed domain name is completely comprised of English words and letters; (2) the webpages under the disputed domain name contain mainly English words and sentences; (3) the use of a language other than English would entail translation by the Complainant and result in unfairness and unwarranted delay.

The Respondent has, moreover, been notified by the Center, in both Chinese and English, of the language of the proceeding and of the Complaint. The Respondent did not make any submissions with respect to the language of the proceedings, nor did the Respondent file any Response in Chinese or English.

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 trademark and the disputed domain name. [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 Panel finds the mark is recognizable 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 term here, "the", 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. [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.

The Panel notes that the composition of the disputed domain name itself affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant's trademark as to the origin or affiliation, incorporating the RUGGED LINER mark in full and merely adding the term, "the", which is a definite article having no substantial meaning. Further, the

available record shows that the Respondent is not affiliated or otherwise authorized to use the RUGGED LINER mark or held any registration of the RUGGED LINER mark anywhere. There is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The disputed domain name resolved to a website which without authorization claimed to be the Complainant and marketed products purportedly from the Complainant, using the Complainant's mark prominently. Moreover, the overall circumstances lead the Panel to opine that the website under the disputed domain name looks and feels like the Complainant's website, and that the Respondent has attempted to impersonate the Complainant. The Panel is convinced that the Respondent has attempted to gain unfair revenues from targeting the Complainant, creating a likelihood of confusion. Such use cannot constitute any bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

Furthermore, panels have held that the use of a domain name for illegal activity, here claimed impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 the Respondent has used without any license or authorization the Complainant's RUGGED LINER mark in full in the disputed domain name merely plus a term of "the". The Complainant's trademark RUGGED LINER is widely known in its industry, and the Complainant's registration and use of its mark much predate the Respondent's registration of the disputed domain name. This signals the Respondent's intention to target the Complainant and trade off its long-used mark. Thus, the Panel considers that the Respondent knew or should have known of the Complainant's mark at the time of registering the disputed domain name.

Further, considering the use of the disputed domain name analyzed in Section 6.2B above, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The disputed domain name was thus registered and used in bad faith, according to paragraph 4(b)(iv) of 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 <theruggedliner.com> be transferred to the Complainant.

/Hong Yang/
Hong Yang
Sole Panelist
Date: January 26, 2026