

## **ADMINISTRATIVE PANEL DECISION**

Manufacturas Tomas, S.A. v. Li Liu

Case No. D2025-5292

### **1. The Parties**

The Complainant is Manufacturas Tomas, S.A., Spain, represented by J&A Garrigues, S.L.P., Spain.

The Respondent is Li Liu, China.

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

The disputed domain name <mthelmetsit.com> (the “Domain Name”) is registered with Name.com, 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 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, 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 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 of the Complaint, and the proceedings commenced on December 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2026.

The Center appointed Nicholas Smith 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 is a Spanish company that since as early as 2006 has manufactured and sold a variety of motorcycle helmets and accessories under the MT HELMETS brand.

The Complainant has trademark registrations for numerous marks featuring the elements “MT HELMETS” in various jurisdictions around the world including a European Union trademark registration since 2007 for a figurative mark consisting of the words MT HELMETS and an oval background device (“MT HELMETS Mark”) (Registration No. 004992079, registered April 23, 2007, for goods and services in classes 9, 12, and 35).

The Domain Name was registered on September 19, 2022. The Domain Name resolves to a website (the “Respondent’s Website”) that purports to offer motorcycle helmets and accessories under the MT HELMETS brand. The Respondent’s Website also displays an “MT Helmets” logo and reproduces the brand names for helmets offered by the Complainant.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a cancellation of the Domain Name.

Notably, the Complainant contends that:

- a) It is the owner of various trademarks consisting or containing the words “MT HELMETS” registered in various jurisdictions. The Domain Name is identical to these marks as it merely adds the term “it” and the generic Top-Level Domain (“gTLD”) “.com” to the mark.
- b) There are no rights or legitimate interests held by the Respondent in respect of the Domain Name. The Complainant has not granted any license or authorization for the Respondent to use the MT HELMETS Mark. The Respondent is not commonly known by the MT HELMETS Mark, nor does it use the Domain Name for a bona fide purpose or legitimate noncommercial purpose. Rather the Respondent is using the Domain Name to pass off as the Complainant for commercial gain by reproducing the Complainant’s MT HELMETS brand, related device elements and purporting to offer counterfeit versions of the Complainant’s goods. Such use is not a legitimate use of the Domain Name.
- c) The Domain Name was registered and is being used in bad faith. The Respondent is using the Domain Name to divert Internet users searching for the Complainant to the Respondent’s Website to disrupt the Complainant’s business and for commercial gain. Such conduct amounts to registration and use of the Domain Name in bad faith.

##### **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 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 Panel finds the mark is recognizable within the Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel notes that the design elements in the MT HELMETS Mark can be disregarded for purposes of assessing identity or confusing similarity under the first element as they would be incapable of being reproduced in a domain name. [WIPO Overview 3.0](#), section 1.10.

Although the addition of other terms here, "it", 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 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 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.

- the Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

The Respondent has used the Domain Name to operate a website selling at discounted prices motorcycle helmets and accessories that purport to be legitimate MT HELMETS products. It is unclear whether the products sold are counterfeit or genuine products produced by the Complainant, however, the Complainant provides evidence that shows that the Respondent offers products under various Complainant's sub-brands with images that do not reflect the actual Complainant's products. If the motorcycle helmets sold on the Respondent's Website are not genuine products produced by the Complainant, the Respondent's use of the Domain Name does not grant it rights or legitimate interests since it is using the Complainant's MT HELMETS Mark for a website selling counterfeit products.

Even if the Respondent is offering genuine Complainant's products from the Respondent's Website, such use does not automatically grant it rights or legitimate interests. The principles that govern whether a reseller of genuine goods has rights or legitimate interests have been set out in a variety of UDRP decisions, starting with the case of *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Ok! Data test").

The [WIPO Overview 3.0](#), section 2.8.1 summarizes the consensus views of UDRP panels in assessing claims of nominative (fair) use by resellers or distributors in the following manner:

"Panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name. Outlined in the 'Ok! Data test', the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to 'corner the market' in domain names that reflect the trademark.

The 'Ok! Data test' does not apply where any prior agreement, express or otherwise, between the parties expressly prohibits (or allows) the registration or use of domain names incorporating the complainant's trademark."

In this case, the Respondent's Website does not accurately or prominently disclose the Respondent's relationship with the Complainant, in particular that it is not an authorized dealer or has any particular connection with the Complainant. Rather the absence of a disclaimer and the presence of a logo incorporating "MT HELMETS" and Complainant's sub-brands results in the impression that the Respondent's Website is an official website of the Complainant or an authorized reseller. In the circumstances of this case, even in the event that the Respondent is reselling genuine Complainant's products, its use of the Domain Name for the Respondent's Website does not grant it rights or legitimate interests in the Domain Name.

Moreover, the nature of the Domain Name itself, which incorporates the Complainant's mark and a geographic abbreviation "it", coupled with the use of the disputed domain as described above, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name.

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.

The Panel finds that the Respondent must have been aware of the Complainant and its MT HELMETS brand at the time the Respondent registered the Domain Name. The Respondent has provided no explanation, and neither is it immediately obvious, why an entity would register a domain name that wholly incorporates the textual element of the MT HELMETS Mark reproducible in a domain name and direct it to a website purportedly offering motorcycle products under the Complainant's MT HELMETS brand (including specific reference to Complainant's product names (non-complying with the requirements of the Oki Data test) unless there was an awareness of and an intention to create a likelihood of confusion with the Complainant and its MT HELMETS Mark. The registration of the Domain Name in awareness of the MT HELMETS Mark and in the absence of rights or legitimate interests amounts under these circumstances to registration in bad faith.

The Panel considers that the record of this case reflects that the Respondent purported to offer motorcycle helmets, be they genuine or otherwise, under the Complainant's MT HELMETS brand on the Respondent's Website without the Complainant's approval and without meeting the Oki Data test. The Panel finds that the Respondent is using the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the MT HELMETS Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

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 Domain Name <mthelmetsit.com> be cancelled.

*/Nicholas Smith/*

**Nicholas Smith**

Sole Panelist

Date: January 28, 2026