

ADMINISTRATIVE PANEL DECISION

Harley-Davidson Motor Company, Inc. v. David Shiferaw
Case No. D2025-5368

1. The Parties

Complainant is Harley-Davidson Motor Company, Inc., United States of America (hereinafter “United States”), represented by Briffa Legal Limited, United Kingdom.

Respondent is David Shiferaw, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <chuckshd.com> (the “Disputed Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 22, 2025. On December 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 23, 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 (User #a9c9fda2 Privacy, PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to Complainant on December 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on December 29, 2025.

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 Respondent of the Complaint, and the proceedings commenced on December 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 19, 2026. Respondent sent an email communication to the Center on January 28, 2026.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on February 3, 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.

Respondent's Request for Suspension

On January 28, 2026, Respondent sent an email to the Center requesting a suspension of proceedings to discuss settlement including a voluntary transfer of the Disputed Domain Name. On January 29, 2026, Complainant responded that it did not wish to settle and requested that the Panel be appointed. As there was no joint request for a suspension, and Complainant opposed Respondent's request, the proceedings were not suspended. Rules, paragraph 17. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.9.

4. Factual Background

Complainant is a well-known manufacturer, retailer and distributor of motorcycles that has been in business for over 100 years. In 2024, Complainant's world-wide sales exceeded USD 5 billion. Complainant uses the trademark HARLEY DAVIDSON in many variations, including HD (the "Mark"), for which it owns (at least) the following trademark registrations:

- United Kingdom Trademark Registration No. 00903530177 (application filed October 31, 2003; entered on register June 4, 2007) (for HD word mark);
- United Kingdom Trademark Registration No. 00901526276 (application filed February 24, 2000; entered on register April 9, 2001) (for H-D word mark); and
- United Kingdom Trademark Registration No. UK00901536309 (application filed February 25, 2000; entered on register November 19, 2001) (for MOTOR HARLEY-DAVIDSON CYCLES "Bar and Shield" design trademark).

Complainant owns the domain name <h-d.com>, which resolves to a website where Complainant promotes its products.

The Disputed Domain Name, which was registered on September 23, 2025, resolves to a website (the "Disputed Website") that purports to be associated with a HARLEY DAVIDSON dealership in Bloomington, Illinois, named "Chuck's Harley-Davidson". The Disputed Website displays Complainant's trademarks, including Complainant's "Bar and Shield" design trademark:



On the "About Us" page, Respondent claims to have been in business for 49 years. An article published on a third-party website that lists the Disputed Domain Name as the online contact location states that "Chuck's Harley-Davidson" in Bloomington was reopening under new management after closing in July 2020 during the Covid pandemic.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that Respondent is not an authorized dealer; that Respondent is falsely claiming to be an authorized dealer of Harley Davidson; that Respondent is impersonating an authorized dealership that closed in 2020; that Respondent is using the Disputed Domain Name in connection with phishing; that customers have placed and paid for orders for motorcycles, but not received any product; and that Respondent has published articles falsely claiming to be related to the previously authorized dealership that closed in 2020.

B. Respondent

Respondent did not substantively respond to the Complaint beyond the communication on January 28, 2026, detailed above.

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 Complainant's trademark and the Disputed Domain Name. [WIPO Overview 3.1](#), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms, here "chucks," may bear on assessment of the second and third elements, the Panel finds this additional 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 3.1](#), section 1.8.

There is no doubt that Respondent intended that the Disputed Domain Name cause confusion with the Mark. The content of the Disputed Website includes numerous references to Complainant's trademarks, including the "Bar and Shield" design mark. See [WIPO Overview 3.1](#), section 1.15 (content of Disputed Website may be considered where it "appears prima facie that the respondent seeks to target a trademark").

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 Respondent may demonstrate rights or legitimate interests in a Disputed Domain Name.

Although the overall burden of proof in UDRP proceedings is on 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 Respondent. As such, where a complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted 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 illegitimate activity, here, claimed impersonation and passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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 finds that Respondent registered the Disputed Domain Name in bad faith. Respondent's display of Complainant's trademarks on the Disputed Website is evidence that Respondent was aware of and intended to target Complainant and its trademarks when he registered the Disputed Domain Name.

The Panel also finds that Respondent has used the Disputed Domain Name in bad faith for falsely claiming to be an authorized dealer, impersonation of a previously authorized dealer and passing off.

The Panel finds that 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 <chuckshd.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: February 17, 2026