

ADMINISTRATIVE PANEL DECISION

N-Fab, Inc. v. Maksym Shash
Case No. D2025-5442

1. The Parties

The Complainant is N-Fab, Inc., United States of America ("USA" or "US"), represented by MacMillan, Sobanski & Todd, LLC, USA.

The Respondent is Maksym Shash, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <myntfab.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 30, 2025. On January 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 3, 2026, 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 January 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 30, 2026.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on February 10, 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. Procedural Issue

Paragraph 10(b) of the Rules requires the Panel to ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case. Paragraph 10(c) of the Rules requires that the administrative proceeding takes place with due expedition.

The Respondent's mailing address is in Ukraine, which is subject to an international conflict at the date of this Decision. These circumstances may impact case notification and it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

As noted later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain name in bad faith with knowledge of the Complainant and with the intention of unfairly targeting the Complainant's trademark and goodwill.

Having considered all the circumstances of the case, the Panel is of the view that the proceedings should continue.

5. Factual Background

The Complainant is incorporated in Texas, USA. It is the wholly owned subsidiary of RealTruck Enterprise Inc. ("RealTruck") which is incorporated in Delaware, USA. Evidence of this corporate structure is given in an affidavit dated December 19, 2025, made by the Assistant Secretary, Deputy General Counsel and Chief Intellectual Property Counsel of RealTruck and exhibited as Annex 20 to the Complaint. He confirms that he has been associated with RealTruck since 2018 and that the facts he gives come from RealTruck's records or his own knowledge.

He also confirms that RealTruck is the parent company of seven companies, including the Complainant, all of which form part of RealTruck's commercial enterprise. Annex A to the affidavit sets out, under cover of the heading "REALTRUCK The RealTruck Family of Brands", details of the group and subsidiaries' brand portfolio which are protected by trade marks. The evidence contained in Annex A to the affidavit in respect of the Complainant is that it is "The leader in rugged truck and off-roading nerf steps and pre-runner bumpers built to last longer, work harder, and perform stronger than the rest. Desert Born, Road Ready™." and that it trades utilizing the trade mark N-FAB.

The Complainant owns a US Trade Mark No. 5405194 registered on February 20, 2018, for the mark N-FAB. The mark is registered in Class 11 for, inter alia, "vehicle accessories" and in Class 12 for, inter alia, "vehicle parts and accessories". The mark claims a date of first use in US commerce of November 2002. A copy of the certificate of registration is exhibited as Annex 5 to the Complaint.

The Complainant does not provide detailed evidence of its trading activity and products dealt in. However, given the content of the affidavit referred to above and sworn by a senior employee of RealTruck associated with the company since 2018 and the date of registration of US Trade Mark No.5405194 in 2018 the Panel finds that the Complainant has traded in respect of vehicle parts and accessories since 2018 using that trade mark.

In the absence of a Response there is no evidence of the activities of the Respondent and its use of the disputed domain name. The disputed domain name does not resolve to an active website.

The Complainant provides evidence at Annex 6 to the Complaint that the disputed domain name is inaccessible and its “server IP address could not be found.”

The date of registration of the disputed domain name is July 18, 2025, which is 7 years after the date of registration of the Complainant’s US trade mark 5405194 relied upon.

In the absence of a Response the Panel finds the evidence adduced by the Complainant to be true.

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;

- i. The disputed domain name is confusingly similar to the Complainant’s trade mark N-FAB.
- ii. There is no evidence that the Respondent has rights or legitimate interests in the disputed domain name.
- iii. Given that the Complainant’s trade mark is well-known by long-term use and there is no evidence of good faith use by the Respondent who has taken to conceal his identity there is evidence of registration and use 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 trade mark 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 trade mark 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.

The Panel takes into account the Complainant’s submission that the use by the Respondent of the generic word “my” as a prefix to “nfab” within the disputed domain name is insufficient to differentiate the domain name from the trade mark. Similarly the fact that the disputed domain name does not incorporate a hyphen between “n” and “fab” as exists in the trade mark is insufficient to differentiate the domain name from the trade mark.

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 takes into account the following facts established on the evidence;

- i. The Respondent is not affiliated with the Complainant in any way and has not been licensed or otherwise authorized to register or use the Complainant’s trade mark;
- ii. The Respondent is not commonly known by the domain name; and
- iii. The Respondent is making no legitimate noncommercial or fair use of the 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 Complainant has adduced evidence at Annex 7 to the Complaint of a reverse Whois lookup search made in respect of the name of the Respondent which shows that the Respondent has registered six domain names; <bakflip.us>, <extang.us>, <gatortrax.us>, <truxedo.us>, <truxport.us>, and <undercovertonneau.us> which respectively correspond to the following trade marks each owned by one of the Complainant’s affiliated companies; BAKFLIP, EXTANG, GATOR, TRUXEDO, TRUXPORT, and UNDERCOVER. The trade marks as used are also evidenced in the Complainant’s affidavit at Annex 20 to the Complaint. Copies of the trade mark registration certificates in the names of the Complainant’s respective affiliated companies are exhibited as Annexes 8, 9, 10, 14, 15, 16, 17, and 18 to the Complaint. The affidavit exhibited at Annex 20 to the Complaint also evidences the common ownership of those trade marks within the RealTruck group.

The Panel finds that this evidence together with the registration of the disputed domain name, which is confusingly similar to the Complainant’s trade mark N-FAB, shows that the Respondent has registered the disputed domain name for the likely purpose of taking an unfair advantage of its similarity with the Complainant’s trade mark, which amounts to bad faith under the Policy.

Taking into account this evidence together with the evidence of the absence of rights and legitimate interests in the disputed domain name and the evidence of non-use of the disputed domain name as shown by Annex 6 to the Complaint, the Panel finds that the Complainant has established registration and use in bad faith within paragraph 4(a)(iii) 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 <mynfab.com> be transferred to the Complainant.

/Clive Duncan Thorne/

Clive Duncan Thorne

Sole Panelist

Date: February 24, 2026