

## **ADMINISTRATIVE PANEL DECISION**

KIN, INC. v. 林海红 (Lin Hai Hong)

Case No. D2026-0032

### **1. The Parties**

The Complainant is KIN, INC., United States of America (“United States”), represented by Fross Zelnick Lehrman & Zissu, PC, United States.

The Respondent is 林海红 (Lin Hai Hong), China.

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

The disputed domain name <tekgearcloth.com> is registered with DNSPod, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 6, 2026. On January 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2026, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 10, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint in English on January 13, 2026.

On January 10, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On January 13, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on January 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 3, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 5, 2026.

The Center appointed Jonathan Agmon as the sole panelist in this matter on February 9, 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 the owner of the KOHL’S trademark in the United States and in select countries around the world. Founded in 1962, the Complainant’s KOHL’S retail stores offer apparel, shoes, accessories, beauty products, and home products under both national brands and brands exclusive to the Complainant. KOHL’S is one of the largest stores by retail sales in the United States. Prior to the launch of the Complainant’s retail stores in 1962, the Kohl’s name was used by Complainant’s predecessor in interest, Maxwell Kohl, in connection with a group of Kohl’s Food Stores grocery stores beginning in 1951. The Complainant currently operates more than 1,100 KOHL’S retail stores in 49 states in the United States. In addition to its physical retail locations, the Complainant sells products through its ecommerce website “www.kohls.com” and through the KOHL’S app.

Kohl has been using the TEK GEAR trademark since February 1999 and offers active wear under the TEK GREAR trademark, including clothing and accessories.

The Complainant is the owner of various TEK GEAR trademark marks, including the following:-

- United States trademark registration no. 3154549 for TEK GEAR, registered on October 10, 2006;
  - United States trademark registration no. 3276722 for TEK GEAR, registered on August 7, 2007;
  - United States trademark registration no. 2800557 for TEK GEAR, registered on December 30, 2003;
- and
- United States trademark registration no. 7187306 for TEK GEAR, registered on October 10, 2023.

The Complainant is the registrant of the domain name <tekgear.com>, registered on September 13, 2001.

The disputed domain name was registered on May 27, 2024. At the time of filing the Complaint, it resolved to a website allegedly offering Complainant’s goods for sale at discounted price which are not authorized by the Complainant comprising text and images copied from the Complainant’s website.

#### **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:

- The Complainant has established strong prior rights in the TEK GEAR mark through longstanding use and trademark registrations, many of which are incontestable and predate the registration of the disputed domain name. The domain name wholly incorporates the TEK GEAR mark, adding only the term “cloth” and the “.com” generic Top-Level Domain (“gTLD”). The addition of a descriptive or generic term does not avoid confusing similarity, particularly where the added term relates to the Complainant’s clothing business and may even reinforce the association. The gTLD is disregarded for comparison purposes. Accordingly, the disputed domain name is confusingly similar to the TEK GEAR mark.
- The Respondent has no rights or legitimate interest in the disputed domain name. The registration occurred after the Complainant had established trademark rights, shifting the burden to the Respondent to demonstrate a legitimate basis for its use. There is no evidence of authorization, license, or any relationship permitting use of the TEK GEAR mark. The Respondent’s operation of a website purporting to be an “official” TEK GEAR site does not confer legitimacy, particularly given the absence of permission and the mark’s renown. In light of the mark’s distinctiveness and reputation, no bona fide or legitimate use by an unauthorized party is apparent.
- The circumstances demonstrate bad faith registration and use. The Respondent’s incorporation of the TEK GEAR mark in its entirety, combined with a website presenting itself as the brand’s “official” site and displaying the Complainant’s product images, evidences knowledge of and intent to exploit the Complainant’s reputation. The choice of the disputed domain name and associated content indicates an attempt to create a false association and to trade on the goodwill of the mark. Such conduct is likely to mislead Internet users into believing that the disputed domain name is affiliated with or endorsed by the Complainant, thereby satisfying the requirement of bad faith under the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary 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:

- The disputed domain name is in the English language and the website associated with the disputed domain name is entirely in the English language; and
- prices for items purportedly offered at the Respondent’s website are listed in USD.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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 (“[WIPO Overview 3.1](#)”), 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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 term here, "cloth" 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 3.1](#), 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 3.1](#), 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 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 registered the disputed domain name long after the Complainant registered its TEK GEAR trademark. The Respondent has used the disputed domain name to operate a website containing text, images, and product listings copied from the Complainant's website. The Respondent's website also displays social media content relating to the Complainant's TEK GEAR-branded products. In addition, the Respondent has presented the website as the "TEK GEAR Clothing Official

Website” and has provided a false address in the United States. In these circumstances, the Panel finds that the Respondent deliberately targeted the Complainant and its trademark. The Respondent’s actions show that he has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion as to source, affiliation, or endorsement, within the meaning of 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 <tekgearcloth.com> be transferred to the Complainant.

*/Jonathan Agmon/*

**Jonathan Agmon**

Sole Panelist

Date: February 23, 2026