

ADMINISTRATIVE PANEL DECISION

Sterling Jewelers, Inc. v. 何小静 (Xiao Jing He)
Case No. D2026-0607

1. The Parties

The Complainant is Sterling Jewelers, Inc., United States of America ("United States"), represented by Quarles & Brady LLP, United States.

The Respondent is 何小静 (Xiao Jing He), China.

2. The Domain Name and Registrar

The disputed domain name <kays-jewelers.com> is registered with Xiamen 35.Com Information Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 12, 2026. On February 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 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 (Registration Private, Registrant for kays-jewelers.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 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 February 20, 2026.

On February 19, 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 February 20, 2026, 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 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 February 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on March 24, 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 Delaware corporation with its principal place of business in Akron, Ohio, United States. The Complainant is a subsidiary of Signet Jewelers, a specialty retail jeweler operating multiple jewelry brands.

One of the brands operated by the Complainant is KAY Jewelers. The Complainant's predecessors began selling jewelry under the KAY name in or around 1916. The KAY brand was acquired by Signet Jewelers in 1990 and has since been operated as one of its jewelry brands in the United States.

The Complainant is the owner of several trademarks composed of the words "Kay" and "Jewelers" or  including the following among others:

- United States Trademark Registration No. 748,204 for the word mark KAY, registered on April 16, 1963, with a claimed first use in 1916, covering Class 35: retail jewelry store services.
- United States Trademark Registration No. 2,222,703 for the word mark KAY JEWELERS (with "JEWELERS" disclaimed), registered on February 9, 1999, with a claimed first use in 1916, covering Class 35: retail jewelry store services.
- United States Trademark Registration No. 7,599,479 for the word mark KAY JEWELERS (with "JEWELERS" disclaimed), registered on December 10, 2024, with a claimed first use in 1916, covering Class 14: jewelry; diamonds; gemstones; precious stones.
- United States Trademark Registration No. 5,808,408 for the KAY and design mark, registered on July 16, 2019, with a claimed first use in 2018, covering Class 35: retail jewelry store services, including online retail store services in the field of jewelry.

The Complainant has operated a website at "www.kay.com" since February 24, 1995, through which it provides information about its business and offers jewelry products for sale.

The disputed domain name was registered on November 8, 2021.

Prior to the date of this Decision, the disputed domain name resolved to a website displaying the Complainant's mark, offering what was purported to be Complainant's jewelry products, and reproducing the Complainant's product descriptions and content on the history of the KAY brand.

5. Parties' Contentions

A. Complainant

The Complainant contends that (i) the disputed domain name is confusingly similar to the Complainant's trademark; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

In particular, the Complainant contends that the Respondent registered and is using the disputed domain name, to confuse and lure Internet users to its website.

The Complainant submits that it has no affiliation with the Respondent, nor has it authorized the Respondent to register or use a domain name, which includes Complainant's marks, and that the Respondent has no rights or legitimate interests in the registration of the domain name. Rather, the Complainant contends that the Respondent has acted in bad faith in acquiring and setting up the disputed domain name, when the Respondent clearly knew of the Complainant's rights.

B. Respondent

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

6. Discussions and Findings

6.1 Preliminary issue: Language of the Proceedings

The language of the Registration Agreement for the disputed domain name is Chinese. The Complaint was filed in English. The Complainant requested that English be the language of the proceeding.

In support of that request, the Complainant submitted that:

1. its working language is English;
2. requiring translation of the Complaint and supporting materials into Chinese would result in unnecessary cost and delay;
3. the disputed domain name is in English; and
4. the contents of the website to which the disputed domain name resolved are in English meaning the Respondent is capable of communicating in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel must do so judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including the Parties' ability to understand and use the proposed language, as well as considerations of time and cost (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the circumstances, 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 Panel finds the Complainant's mark KAY is recognizable within the disputed domain name. Although the addition of the letter "s", the hyphen "-" and the word "jewelers" in the disputed domain name 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 3.1](#), section 1.8.

With regards to the Complainant's marks for KAY JEWELERS they are highly similar to the disputed domain name save for the addition of the letter "s" and a hyphen. Even though "Jewelers" has been disclaimed in the marks, the Panel considers that the KAY JEWELERS 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 3.1](#), section 1.7.

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 that 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.

Panels have held that the use of a domain name for illegitimate activities, here, claimed as applicable to this case the sale of counterfeit goods, passing off, or other types of fraud 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 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 Respondent reproduced substantial portions of the Complainant's website content, including the Complainant's trademark, on the website associated with the disputed domain name. By doing so, it is clear the Respondent was intentionally seeking to attract Internet users for commercial gain through the creation of a likelihood of confusion with the Complainant's mark, and to induce them into potentially fraudulent transactions.

Panels have held that the use of a domain name for illegitimate activity, claimed as applicable to this case passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 3.4. The Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <kays-jewelers.com> be transferred to the Complainant.

/Douglas Clark/

Douglas Clark

Sole Panelist

Date: April 7, 2026