ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Royal Adhesives and Sealants, LLC v. Elena Clark
Case No. D2026-0941

1. The Parties

The Complainant is Royal Adhesives and Sealants, LLC, United States of America ("United States"), represented by Faegre Drinker Biddle & Reath, LLP, United States.

The Respondent is Elena Clark, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <eternabondrvtape.com> (the "Disputed Domain Name") is registered with Cosmotown, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 5, 2026. On March 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 9, 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 amendment to the Complaint on March 9, 2026.

The Center verified that the Complaint together with the amendment to 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 March 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 2, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on April 14, 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) 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 proceeding should continue.

The Panel is of the view that the proceeding should continue, having considered all the circumstances of the case. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purposes of notifying the Complaint. There is evidence that the case notification email to this email address was not successfully delivered. Nevertheless, the Panel finds that appropriate notice of this proceeding has been given to the Respondent and that the Center has discharged its responsibility under paragraph 2(a) of the Rules. The words "calculated to achieve actual notice" in paragraph 2 of the Rules do not demand proof of service.

5. Factual Background

The Complainant is a manufacturer of high-performance adhesives and sealants for roof repair and sealing, with its products stocked in hundreds of retail locations across the United States. The Complainant cites its United States Registration No. 4587432 for the stylized trademark ETERNABOND registered on August 19, 2014 covering, inter alia, adhesive tape for industrial and commercial use in Classes 16 and 17.

The Complainant owns the domain name <eternabond.com> which resolves to a website that displays information about its ETERNABOND branded products.

The Disputed Domain Name was registered on June 5, 2025. It resolves to an unauthorized version of the Complainant's official website displaying a message that it is the "official website of Eternabond Tape," and links that redirect to the Amazon store offering Complainant's products for sale.

6. 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 cites its trademark registration in the United States for the mark ETERNABOND, as prima facie evidence of ownership.

The Complainant submits that its rights in the mark ETERNABOND predate the Respondent's registration of the Disputed Domain Name. It submits that the Disputed Domain Name is confusingly similar to its trademark, because the Disputed Domain Name is comprised of the ETERNABOND trademark and that the addition of the letters "rv" plus the word "tape" and the generic Top-Level Domain (gTLD) ".com" is not sufficient to avoid the confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because the Respondent "blatantly attempts to impersonate the Complainant", that it "fails to meet the Oki Data requirements" (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903) as a legitimate seller or reseller of genuine goods, and infers that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Name was, and currently is, in bad faith, contrary to the Policy and the Rules having regard to evidence that points to knowledge of the Complainant and its trademarks. On the issue of registration in bad faith the Complainant submits that it is "more likely than not that the Respondent was aware of the Complainant's trademark at the time of registration". On the issue of bad faith use, the Complainant submits that having regard to the "Respondent's false claims of being an official ETERNABOND website, it is clear Respondent is using the domain name to impersonate Complainant and skim referral revenue by using links to lead consumers to the a third-party site selling Complainant's products", and that this amounts to use in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

(i) that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) that the Disputed Domain Name has been registered and is being used in bad faith.

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Panel finds that the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any country. WIPO Overview 3.1, section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark ETERNABOND.

Turning to whether the Disputed Domain Name is identical or confusingly similar to the ETERNABOND trademark, the Panel observes that the Disputed Domain Name is comprised of: (a) an exact reproduction of the Complainant's trademark ETERNABOND; (b) followed by the letters "rv"; (c) followed by the word "tape"; (d) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11. The relevant comparison to be made is with the second-level portion of the Disputed Domain Name, specifically: "eternabondrvtape".

The Panel finds the mark is recognizable within the Disputed Domain Name. Accordingly, the Panel finds that 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 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 Disputed 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 notes that the Complainant has not licensed or otherwise authorized the Respondent to use its trademark and that there is no relationship between the Complainant and the Respondent, let alone any accurate or prominent disclosure of that relationship, or absence of such, on its website. The use of the Complainant's trademark and similarity of the respective products displayed on the Respondent's website suggests that the Respondent has deliberately targeted the Complainant. The Panel finds that the Respondent's activities do not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the substantial reputation and goodwill of the Complainant's mark or capacity to otherwise mislead Internet users.

Panels often apply the test set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 ("the Oki Data test") when a respondent is using a disputed domain name to sell goods subject to a complainant's trademark rights. The test helps panels determine whether that respondent has legitimate interests in the disputed domain name and sets out four requirements:

- The respondent must actually be offering the goods or services at issue;
- The respondent must use the site to sell only the trademarked good;
- The site must accurately and prominently disclose the respondent's relationship with the trademark owner;
- The respondent must not try to "corner the market" in all domain names that reflect the trademark.

The Panels finds that the Respondent's website does not meet the Oki Data requirements as it does not directly offer the goods at issue but rather redirects Internet users by links to the Amazon website, and misstates the unauthorized nature of its relationship with the Complainant as the owner of the trademark. WIPO Overview 3.1, section 2.8.2.

Panels have held that the use of a domain name for illegitimate activity such as claimed 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

In the present case, the Panel finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Name in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Name and the Complainant's distinctive trademark, the Panel is satisfied that the Respondent deliberately targeted the Complainant's trademark ETERNABOND when it registered the Disputed Domain Name.

This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Name other than to trade off the reputation and goodwill of the Complainant's trademark. WIPO Overview 3.1, section 3.1.4.

Further, a gap of several years between registration of a complainant's trademark and respondent's registration of a disputed domain name (containing the trademark) may indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Name 11 years after the Complainant established registered trademark rights in the ETERNABOND mark. The Respondent has not come forward to rebut the Complainant's allegations or to offer an alternative explanation.

On the issue of use, the Complainant's evidence is that the Disputed Domain Name was used to host a website that displays content similar to that of the Complainant's legitimate website, displaying the Complainant's trademark and making reference to products similar to or the same as those displayed by the Complainant on its own webpage. There is also displayed a false claim that it is an official ETERNABOND website. The webpage contains links that redirect to a third-party website selling Complainant's products.

Panels have held that the use of a domain name for illegitimate activity here, alleged passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. The Complainant supplied evidence of the misleading website. In the circumstances, having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under paragraph 4(b)(iv) of the Policy.

It seems that the Respondent provided false contact details to shield its identity when registering the Disputed Domain Name (the postal service was not able to deliver the Written Notice). Previous administrative panel decisions have found that providing false information for the WhoIs database to shield a registrant's identity (which is also in breach of the registration agreement) is clear evidence of the Respondent's knowledge of the Complainant's rights at the time of registration and can support an inference of bad faith. WIPO Overview 3.1, section 3.2.1

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 <eternabondrvtape.com> be transferred to the Complainant.

/Nicholas Weston/
Nicholas Weston
Sole Panelist
Date: April 23, 2026.