ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CAP Barbell, Inc. v. Elena Clark
Case No. D2026-0961

1. The Parties

The Complainant is CAP Barbell, Inc., United States of America (the "United States"), represented by Keeling Law LLC, United States.

The Respondent is Elena Clark, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <thecapbarbell.com> 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 6, 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 (Cosmotown, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 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 11, 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 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 3, 2026.

The Center appointed Zoltán Takács as the sole panelist in this matter on April 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 in this administrative proceeding is a provider of free weights, workout equipment and fitness supplies, organized and existing under the laws of the State of Texas, United States.

The Complainant is the owner of among others the United States Trade Mark Registration No. 7082935 for the word mark CAP BARBELL registered on June 20, 2023.

The disputed domain name was registered on June 12, 2025 and has been used in relation to a website that displays the Complainant's mark and signature logo and appears to promote various products manufactured and marketed by the Complainant.

The website at the disputed domain name lists the Complainant's exact address as the contact address of the Respondent.

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 CAP BARBELL mark is included in its entirety in the disputed domain name;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name since it is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii), or (iii) of the Policy;

- the disputed domain name and the website content connected therewith is a wholesale copy of the Complainant's mark in connection with the same goods and services.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

A complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the complaint, namely that:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

A. Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the disputed domain name was registered by the Respondent after the outbreak of the international conflict, and as such the Panel considers that the Respondent has control over the disputed domain name. The Panel further notes that the Center did, however, successfully send all the procedural communications to the Respondent's email as registered with the Registrar and there is no evidence that these were not successfully delivered. It is moreover noted that, for these reasons which are set out later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain name in bad faith and with the intention to disrupt the business of the Complainant. The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with the due expedition the Panel will proceed to a Decision accordingly.

B. 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 of WIPO Panel Views on Select UDRP Questions ("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. Although the addition of other terms, here "the" may bear on assessment of the second and third elements, the Panel finds that 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, sections 1.7 and 1.8.

The Panel finds that the first element of the Policy has been established.

C. 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.

According to the documentary evidence submitted by the Complainant, the Respondent has used the disputed domain name to resolve to a website which (i) displays the Complainant's mark and signature logo, (ii) lists the Complainant's exact address as the contact address of the Respondent and (iii) appears to promote various products manufactured and marketed by the Complainant. Such use of the disputed domain name is not legitimate since it is misleading as to the source or sponsorship and a pretext for tarnishment or commercial gain. WIPO Overview 3.1, section 2.5.3.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name and that the second element of the Policy has been established.

D. 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.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

In the present case, the Panel notes that the Complainant's mark predates the registration of the disputed domain name which incorporates the mark. This fact, coupled with the use of the disputed domain name to host a website which displays the Complainant's mark and signature logo, uses the Complainant's exact address and appears to promote various products manufactured and marketed by the Complainant is indication that the Respondent must have been aware of the Complainant's mark at the time of obtaining the disputed domain name and chose to register it to target the Complainant in bad faith for Respondent's financial benefit. 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 <thecapbarbell.com> be transferred to the Complainant.

/Zoltán Takács/
Zoltán Takács
Sole Panelist
Date: April 20, 2026