

## **ADMINISTRATIVE PANEL DECISION**

Spinrite Inc. v. Vadym Bayev  
Case No. D2026-1061

### **1. The Parties**

The Complainant is Spinrite Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Vadym Bayev, Ukraine.

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

The disputed domain name <caroncotton.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 March 11, 2026. On March 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 12, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 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 on March 16, 2026.

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 of the Complaint, and the proceedings commenced on March 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 7, 2026.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on April 13, 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.

#### **A. Further Procedural Considerations**

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 proceeding takes place with due expedition.

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

Having considered all the circumstances of the case, the Panel is of the view that it should continue. The Panel has reached this conclusion in part because the Panel recognizes that the Center employed all reasonably available means calculated to achieve actual notice to the Respondent. In particular, the Center successfully sent the Notification of the Complaint to the email address disclosed for the Registrant/Admin/Tech/Billing by the Registrar in its Registrar Verification Response. There is no indication that the email notification has not been successfully delivered, in particular, the Center did not receive any failure notice for this email address. Furthermore, the Center also sent the written notice by international registered mail to the address disclosed by the Registrar in its Registrar verification notice.

Furthermore, the Panel notes that the disputed domain name was created in October 2024, during the international conflict, suggesting that the Respondent is able to access the Internet, maintain control of the disputed domain name, and should have received at least electronic notice of this proceeding.

Finally, for the 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.

The Panel therefore concludes that the Respondent has been given a fair opportunity to present his case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

#### **4. Factual Background**

The Complainant's undisputed statements confirm that it is a Canadian craft company founded in 1952 which has grown to become a leading developer, manufacturer and marketer of craft knitting yarns and consumer sewing threads.

Furthermore, the evidence before the Panel proves that the Complainant is the registered owner of portfolio of registered trademarks containing or consisting of the verbal element "CARON", including registered United States of America -trademark no. 1140835 (Serial no. 212,266), registered on October 28, 1980 – with date of first use in commerce of June 1, 1971, and registered for goods in class 23, namely yarn. This mark is in force.

It further results from the Complainant's documented allegations, which remained uncontested, that the website, to which the disputed domain name resolves, purports to be a website of the Complainant without the Complainant's authorization by (i) prominently displaying the Complainant's CARON logos and trademarks, (ii) together with various yarn products apparently offered for sale, (iii) referencing some of the Complainant's sub-brands including "Simply Soft Speckle", "One Pound" or "Jumbo",

(iv) offering a “contact form” and a newsletter subscription form soliciting Internet users respectively to disclose their full name and email address, (v) offering contact information including a mailing address which is not the Complainant’s mailing address, but instead appears to be a fake address and (vi) including links to a third party website search results for “Caron Yarn” where CARON branded products are available for sale. By clicking the “check price” buttons on the Respondent’s website, users are redirected to another third-party 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:

- (1) The disputed domain name misappropriates the entire registered CARON Trademark. The addition of the word “cotton” does not mitigate the confusing similarity between the disputed domain name and the CARON Trademarks;
- (2) Given the prior rights in the CARON trademarks, and the Complainant’s historical use thereof and given that the Respondent’s website hosted under the disputed domain name purports to be that of the Complainant by promoting “Caron”-branded yarn products, it must be concluded that the Respondent had knowledge of the Complainant and the CARON Trademarks at the time of registration. At the same time, there has never been any relationship between the Complainant and the Respondent. The Complainant is not aware that the Respondent actually carries on any legitimate business in association with the disputed domain name. The primary purpose of the Respondent’s website appears to be to confuse Internet users and operate a phishing scam or conduct other fraudulent activities for the purpose of collecting confidential personal information from users;
- (3) By registering and using a domain name confusingly similar to the Complainant’s well-known CARON Trademarks, the Respondent has attempted to take advantage of the goodwill in those trademarks in an attempt to exploit, for commercial gain, Internet users who are likely to believe there is some connection between the Respondent’s fake “Caron” website and the Complainant, its CARON brand, and CARON products. The fact that the Respondent used a privacy shield to register the disputed domain name demonstrates bad faith on the part of the Respondent and an intention to prevent efficient enforcement of the Complainant’s legitimate trademark rights.

### **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should be transferred or cancelled:

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

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the registrant of record for the disputed domain name is the Respondent and will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

#### **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 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 CARON 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 and placed at its beginning. Therefore, the Panel finds the mark is recognizable within the disputed domain name so that the latter are confusingly similar to the mark for the purposes of the Policy, [WIPO Overview 3.1](#), section 1.7.

Although the addition of another term, here, "cotton", may bear on assessment of the second and third elements, the Panel finds the addition of such a descriptive and generic 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 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.

In particular, the Panel notes that there is no evidence in the record or Whois information showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

Furthermore, and as detailed above, the disputed domain name resolves to a website reproducing, without authorization, the Complainant's trademark and logo and allegedly promoting the Complainant's products. There is no accurate and prominent disclaimer regarding the Respondent's (missing) relationship with the Complainant on the website under the disputed domain name.

Moreover, the Panel notes that the nature of the disputed domain name carries a risk of implied affiliation, since it identically contains the Complainant's trademark CARON followed by generic non-distinctive term "cotton" which is inherently descriptive for the Complainant's field of commerce as a craft company for knitting yarns and consumer sewing threads. Generally speaking, previous UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term, like in the case at hand, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see [WIPO Overview 3.1](#), at section 2.5.1). The Panel shares this view and notes that, in particular, that such an additional term within the trademark owner's field of commerce may already by itself trigger an inference of affiliation and is to be seen as tending to suggest sponsorship or endorsement by the trademark owner. These findings of the disputed domain name tending to suggest sponsorship or endorsement by the trademark owner are confirmed by the fact, that the website to which the disputed domain name resolves, purports to be a website of the Complainant by prominently displaying the Complainant's CARON logos and trademarks.

Finally, the Panel notes the Complainant's contention that consumers who search the Internet for CARON products may be misdirected to the disputed domain name, creating a risk of confusion. The Panel has conducted such a search for the Complainant's trademark on research engines, see section 4.8 of the [WIPO Overview 3.1](#), and notes that although the Complainant's storefront at third party website appear within the first results, the disputed domain name appears as the very first result. The Panel considers that the composition of the disputed domain name directly targeting the Complainant's field of activity enhances the false impression that the disputed domain name is somehow related to the Complainant and its official web shop. Such composition of the disputed domain name cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner, see section 2.5.1 of the [WIPO Overview 3.1](#).

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that the website, to which the disputed domain name resolves, purports to be a commercial website of the Complainant without the Complainant's authorization by (i) prominently displaying the Complainant's CARON logos and trademarks, (ii) together with various yarn products apparently offered for sale, (iii) referencing some of the Complainant's sub-brands including "Simply Soft Speckle", "One Pound" or "Jumbo", (iv) offering a "contact form" and a newsletter subscription form soliciting Internet users respectively to disclose their full name and email address, (v) offering a contact information including a mailing address which is not the Complainant's mailing address, but instead appears to be a fake address and (vi) including links to a third party website search results for "Caron Yarn" where CARON branded products are available for sale. By clicking the "check price" buttons on the Respondent's website, users are redirected to a third party website.

In the Panel's view, the Respondent's intention with such a website is to make it appear as if it was the Complainant's website, therefore, intentionally attempting to attract, for commercial gain, Internet users to said website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of said website.

Further noting the fact that the Complainant's CARON trademark largely predates the disputed domain name's registration by several decades, the Panel considers it is more likely than not that the Respondent knew the Complainant's mark. Consequently, and in the absence of any evidence to the contrary, the Panel finds that the Respondent also knew that the disputed domain name included the Complainant's CARON trademark when it registered the disputed domain name. This is underlined by the fact that the disputed domain name identically includes the Complainant's trademark.

Finally, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

(i) the nature of the disputed domain name, identically containing the Complainant's mark combined with the generic descriptive term "cotton";

(ii) the use of the disputed domain name;

(iii) the Respondent's failure to submit a response to the Complaint and, therefore, not providing any evidence of actual or contemplated good faith use;

(iii) absence of rights or legitimate interests coupled with no explanations for the Respondent's choice of the disputed domain name; and

(iv) the Respondent originally hiding its identity behind a proxy service.

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 <caroncotton.com> be transferred to the Complainant.

*/Tobias Malte Müller/*

**Tobias Malte Müller**

Sole Panelist

Date: April 27, 2026