

ADMINISTRATIVE PANEL DECISION

Hyperlite Mountain Gear Inc. v. heingericke heingericke, heingericke
Case No. D2026-1881

1. The Parties

The Complainant is Hyperlite Mountain Gear Inc., United States of America (“United States”), represented by Bernstein Shur, United States.

The Respondent is heingericke heingericke, heingericke, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2026. On May 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 4, 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 / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 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 May 8, 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 May 18, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 8, 2026.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on June 12, 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 corporation based in Maine, United States. It supplies outdoor hiking and mountaineering gear.

The Complainant owns a registered trademark for the trademark HYPERLITE (“the HYPERLITE Trademark”) which was registered in the United States on August 29, 2017.

Territory	Trademark	Owner	Date of Registration	Classes
United States	HYPERLITE	Hyperlite Mountain Gear Inc	August 29, 2017	18, 20, and 22

The HYPERLITE Trademark registration covers, inter alia, backpacks, duffle bags, tote bags, stuff sacks, stuff sack pillows, tents and tarpaulins.

The HYPERLITE Trademark registration claims first use in commerce in the United States on January 7, 2016.

The disputed domain name was registered on December 4, 2026. At the time of filing of the Complaint, it resolved to a website featuring images and descriptions featuring the Complainant’s HYPERLITE Trademark, and offering products that were allegedly the Complainant’s for sale.

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 it has trademark rights to the HYPERLITE Trademark in connection with the products it sells in classes 18, 20, and 22. The Complainant contends that its first use of the HYPERLITE Trademark dates back to 2016.

The Complainant contends that the disputed domain name is functionally identical to its HYPERLITE Trademark.

The Complainant contends that the Respondent has no rights or illegitimate interests in the disputed domain name. In this regard, the Complaint states (cumulatively) that:

- (a) the Respondent has no rights to use the Complainant’s HYPERLITE Trademark in association with directly related and competitive products to those for which that trademark is registered and which are being sold by the Complainant;
- (b) the Respondent is not and has not been commonly known by the disputed domain name;
- (c) the Respondent registered the disputed domain name well after the date on which the Complainant developed its rights in the HYPERLITE Trademark and well after it registered its U.S. trademark;

(d) the Respondent plainly had notice of or was aware of the Complainant's HYPERLITE Trademark, as evidenced by the manner in which it has used the disputed domain name to provide a confusingly similar website for the same or similar products.

The Complainant states that the disputed domain name has been registered in bad faith by reason of the following factors:

- (a) the Respondent has no rights to use the Complainant's HYPERLITE Trademark either alone or in conjunction with directly related and competitive products to those sold by the Complainant under its HYPERLITE Trademark;
- (b) the Complainant first developed its rights to the HYPERLITE Trademark and secured registration of the HYPERLITE Trademark in the United States well before the Respondent registered the disputed domain name;
- (c) the Respondent had actual notice of the Complainant's trademark rights in its HYPERLITE Trademark prior to registration of the disputed domain name, as evidenced by the unauthorized manner in which it has used a landing page at the disputed domain name to provide a confusingly similar website.

As to use, the Complainant states that the disputed domain name is being used in bad faith. The Complainant points to the landing page at the disputed domain name which uses images and product descriptions of products that are identical or highly similar to those of the Complainant. The Complainant asserts that this creates the risk that Internet users will confuse the Respondent's landing page with the Complainant's official website. Further, this landing page is being used for the Respondent's commercial gain.

B. Respondent

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

6. Discussion and Findings

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 for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the HYPERLITE Trademark is reproduced within the disputed domain name. The prefix "the" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's HYPERLITE Trademark. Accordingly, the disputed domain name is confusingly similar to the HYPERLITE Trademark for the purpose 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.

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 finds that the disputed domain name has been registered in bad faith for the following reasons:

(a) the Complainant has demonstrated rights in its HYPERLITE Trademark and that its trademark had a reputation well prior to registration of the disputed domain name on December 4, 2025. The Complainant’s United States trademark registration and its use of that mark pre-date registration of the disputed domain name by some nine years;

The Complainant’s website at “www.hyperlitemountaingear.com” uses on many pages the positioning statement “Hyperlite Mountain Gear Light, Durable Outdoor Gear”. The products promoted on the Complainant’s website include backpacks, tents, sleep gear and accessories. The web pages at the Complainant’s website advertise “Gear for every adventure” and “Our approach to better Back Packing”.

(b) the Panel finds that the Respondent knew of the Complainant’s HYPERLITE Trademark. This is confirmed by the landing page created by the Respondent at the disputed domain name (upon registration). The opening page of this landing page is headed “Hyperlite Mountain Gear”, being the same positioning statement used by the Complainant. The Respondent’s landing page further states:

“Discover Hyperlite’s complete collection of adventure gear [...] mountain backpacks and tents. High performance equipment for water sports enthusiasts and outdoor adventures”.

The first and third categories on the “Shop By Category” page are:

“Hyperlite Mountain Gear”
“Hyperlite Backpack”.

These uses correspond to the Complainant’s own use of its HYPERLITE Trademark and indicate both knowledge of that mark and copying.

(c) Moreover, any good faith search of the Internet before registration of the disputed domain name would have revealed to the Respondent the Complainant's trademark and its common law rights to, and existing use of, its HYPERLITE Trademark.

The Panel is also satisfied that the Respondent has used the disputed domain name in bad faith for the following reasons:

(a) the landing page created by the Respondent at the disputed domain name has a number of similarities to the Complainant's official website. The Respondent's use of "Hyperlite Mountain Gear" as the opening statement reproduces the Complainant's HYPERLITE Trademark in relation to products and classes 18 and 22 covered by the Complainant's HYPERLITE Trademark registration;

Many Internet users who visit the landing page of the disputed domain name as a result of a search engine search will be misled or deceived into believing that the disputed domain name is operated by the Complainant or is licensed or approved by it, when this is not the case;

(b) the Panel is entitled to draw and does draw adverse inferences from the failure of the Respondent to respond to the Complaint and the allegations made.

The Respondent's conduct clearly indicates that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

The Panel therefore 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 <thehyperlite.com> be transferred to the Complainant.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: June 25, 2026