

ADMINISTRATIVE PANEL DECISION

American Concrete Institute v. nick yang
Case No. D2026-1883

1. The Parties

The Complainant is American Concrete Institute, United States of America (“United States” or “U.S.”), represented by Miller, Canfield, Paddock & Stone, PLC, United States.

The Respondent is nick yang, United States.

2. The Domain Name and Registrar

The disputed domain name <aciwebstore.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 (John Doe, Registration Private, Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 May 11, 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 May 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 10, 2026.

The Center appointed Joseph Simone as the sole panelist in this matter on June 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.

4. Factual Background

The Complainant, American Concrete Institute, is a Michigan nonprofit corporation with its principal place of business in the United States. The Complainant, also known as “ACI”, is a leading authority and resource worldwide for the development, dissemination, and adoption of its consensus-based standards, technical resources, educational & training programs, certification programs, and proven expertise for individuals and organizations involved in concrete design, construction, and materials. The Complainant has over 95 chapters and nearly 20,000 members spanning over 120 countries.

The Complainant has a portfolio of trade mark registrations for ACI marks, including the following:

- United States Trade Mark Registration No. 2878990 for ACI in U.S. Class 200 (Collective Membership mark), registered on August 31, 2004;
- United States Trade Mark Registration No. 4629882 for ACI & Design in Classes 16, 41, and U.S. Class 200 (Collective Membership mark), registered on October 28, 2014; and
- United States Trade Mark Registration No. 1483364 for ACI & Design in Class 16, registered on April 5, 1988.

The disputed domain name <aciwebstore.com> was registered on December 23, 2025. The Complainant has submitted evidence showing that the disputed domain name has been used in connection with a website that purports to be “ACI Web Store”, which advertises and sells unauthorized copies of the Complainant’s copyrighted materials and incorporates distorted and incomplete images taken from the Complainant’s official website. At the time of this Decision, the disputed domain name continued to resolve to the same 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 the disputed domain name registered by the Respondent is confusingly similar to its ACI marks.

The Complainant contends that it has never licensed or authorized the Respondent to use the ACI marks or sell its copyright-protected materials, and the Respondent, an individual, is not commonly known by the disputed domain name. The disputed domain name is used solely to operate a website that impersonates the Complainant’s official store, and offers unlicensed copies of the Complainant’s published materials to mislead consumers into believing the goods are genuine. The Complainant contends that such use is neither a bona fide offering nor a legitimate or fair use, and that the Respondent has no rights or legitimate interests in the disputed domain name

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. By combining the ACI mark with a generic term for online sales, the Respondent has shown an intent to mislead consumers for profit. The Respondent’s sale of unlicensed copies of the Complainant’s materials under ACI marks shows the disputed domain name was registered to disrupt the Complainant’s business

and to attract Internet users for commercial gain by creating a likelihood of confusion as to the website's source, sponsorship, or affiliation.

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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Panel acknowledges that the Complainant has established rights in the ACI trade marks. [WIPO Overview 3.1](#), section 1.2.1.

Disregarding the generic Top-Level Domain ("gTLD") ".com", the disputed domain name is comprised of the term "aciwebstore", which incorporates the Complainant's ACI trade mark in its entirety. Therefore, the disputed domain name is confusingly similar to the Complainant's mark. The inclusion of the terms "web" and "store" does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), sections 1.7, 1.8 and 1.11.1.

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.

In this case, the Complainant asserts that it has not authorized the Respondent to use its trade marks and there is no evidence to suggest that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available records, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or other legitimate interests in the disputed domain name.

According to the Complainant, the Respondent is not known by the disputed domain name, and the Complainant has not granted the Respondent any license or authorization to use or register a domain name incorporating the Complainant's ACI trade marks. The Respondent failed to respond to the Complaint and did not provide any information or factors that might potentially establish prior rights or legitimate interests in the disputed domain name. Regardless, as discussed in the following section of this Decision, there is

ample evidence that the Respondent registered and is using the disputed domain name with the bad faith intent to mislead the Complainant's customer base for its own commercial gain. The website to which the disputed domain name resolves includes false statements identifying the Complainant as the operator of the site, including the following statement on the site's "About Us" page that falsely represents itself as being operated "ACI Web Store is the fast and convenient digital marketplace for official American Concrete Institute (ACI) standards and codes". In addition, the site sells unauthorized copies of the Complainant's copyrighted materials under the ACI brand and incorporates images copied from the Complainant's official website, albeit in distorted and incomplete form. The Respondent's bad faith use of the ACI trade mark on this site does not establish any rights or legitimate interests in the disputed domain name and precludes any claim that the disputed domain name was registered to facilitate noncommercial or bona fide activities.

Based on the foregoing as well as the Panel's findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trade mark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trade mark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or
- (iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the respondent is using the domain name to intentionally attempt 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 the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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 registration of the disputed domain name, which is confusingly similar to the Complainant's ACI trade marks, combined with the Respondent's use of the ACI mark as described above to sell unlicensed copies of the Complainant's copyrighted materials, demonstrates the Respondent's awareness of the Complainant and its trade mark rights. The Respondent has further used the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users by directing such users to a website purporting to be the Complainant's online store and incorporating images copied from the Complainant's official website. There is no plausible bona fide explanation for the Respondent's development and operation of a website falsely presenting itself as the Complainant's official store using language such as "Your Modern Online Shop for Official ACI Standards" and "marketplace for official American Concrete Institute (ACI) standards and codes". The only possible inference is that the Respondent registered and used the disputed domain name with the intent to mislead Internet users for commercial gain.

by creating a likelihood of confusion.

Such activities constitute bad faith acts for purposes of paragraph 4(b)(iv) 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 <aciwebstore.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: June 26, 2026