

ADMINISTRATIVE PANEL DECISION

HotGoldFish Corp. d/b/a The Oliver Gal Artist Co. v. Juan Zhao
Case No. D2026-1888

1. The Parties

The Complainant is HotGoldFish Corp. d/b/a The Oliver Gal Artist Co., United States of America (“United States”), internally represented.

The Respondent is Juan Zhao, China.

2. The Domain Name and Registrar

The disputed domain name <olivergals.com> is registered with Name.com, 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 4, 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 (Domain Privacy Service, Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 8, 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 the same day.

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 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2026.

The Center appointed Karen Fong as the sole panelist in this matter on June 19, 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

Based in the United States and founded around 2012, the Complainant designs, manufactures and sell wall art under the brand OLIVER GAL and/or THE OLIVER GAL ARTIST CO. Its official website is at the domain name <olivergal.com>. The website features a section called “As Seen In” which lists the various lifestyle publications which has featured the Complainant’s products such as Forbes, InStyle, Architectural Digest as well as quotes about the products from well-known personalities.

The Complainant’s brand is featured on its website with the words “oliver gal” in a cursive script and under it the words “artist co.” in a smaller call caps plain script (the “Logo”).

The Complainant owned a trade mark registration in the United States under Trade Mark Registration No. 4798558 for THE OLIVER GAL ARTIST CO. registered on August 25, 2015. The registration was cancelled on March 13, 2026, as the Complainant failed to file the mandatory 10 -year maintenance filing. It refiled the identical trade mark application (Serial No. 99790755) on April 27, 2026, and this application is currently pending. The Complainant claims that it has unregistered rights in the OLIVER GAL mark through the acquired substantial goodwill and recognition in the marketplace through years of use in the marketplace.

The Respondent, who appears to be based in China, registered the disputed domain name on August 23, 2022. The disputed domain name resolved to a website which prominently displayed the OLIVER GAL and THE OLIVER GAL ARTIST CO. branding including the Logo, and used its product images, product descriptions. The prices of the products which purported to be the Complainant’s products were listed with heavily discounted prices and included a credit card checkout process (the “Website”).

The Website was disabled by the Registrar following an abuse complaint by the Complainant on March 29, 2026.

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 is identical or confusingly similar to the Trade Mark, that the Respondent has no rights or legitimate interests with respect to the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

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 identity or 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.

In this case, the issue is whether OLIVER GAL is a trade mark in which the Complainant has rights. As can be seen from section 4 of this Decision above, the Complainant held a United States Trade Mark Registration for THE OLIVER GAL ARTIST CO. from August 2015 to March 2026 when it lapsed for failure on the part of the Complainant to file a required declaration. Since March 14, 2026, the Complainant has had no registered trade mark rights in respect of the name. A pending trade mark application would not by itself establish trade mark rights for the purposes of the Policy (See [WIPO Overview 3.1](#), section 1.1.4). As such, the Complainant claims unregistered or common law trade mark rights stemming from its use of the name since it commenced use of the mark from at least 2015 (the registration date of the cancelled registration). Unregistered trade mark rights are sufficient to support a complaint under the Policy.

Section 1.3 of [WIPO Overview 3.1](#) deals with the question: "What does a complainant need to show to successfully assert unregistered or common law rights?" The first two paragraphs of the answer are as follows:

"To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services.

Relevant evidence demonstrating such acquired distinctiveness (also referred to as secondary meaning) includes a range of factors such as (i) the duration and nature of use of the mark, (ii) the amount of sales under the mark, (iii) the nature and extent of advertising using the mark, (iv) the degree of actual public (e.g., consumer, industry, media) recognition, and (v) consumer surveys."

Whilst the Complainant failed to produce the evidence above, the Panel has verified from reviewing the Complainant's website at the domain name, <olivergal.com> on the Wayback machine that the Complainant has used the mark OLIVER GAL and/or THE OLIVER GAL ARTIST CO. since at least 2015. Based on this and the fact that the Respondent has used the disputed domain name as a copycat website which is a clear indicator that it considered the trade mark as one worth copying the Panel is satisfied that the Complainant has established unregistered rights in the trade mark OLIVER GAL (the "Trade Mark") for the purposes of the Policy.

The Panel finds the entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other term here, "s", may bear on assessment of the second and third elements, the Panel finds the addition of the word does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Based on the available record, 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.

While 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 often impossible 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. 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 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.

Moreover, the nature of the disputed domain name, which comprises the Trade Mark in its entirety with the mere addition of the letter "s" at the end—giving the appearance of a plural form that is easily overlooked by Internet users—further increases the likelihood of confusion. This is further exacerbated by the fact that it is almost identical to the Complainant's own domain name for its principal website, the sole difference being the addition of the letter "s" at the end of the second level domain. In addition, the use of the disputed domain name to resolve to the Website through which the Respondent passes off the Complainant, this configuration affirms the Respondent's intention to take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the source, origin, or affiliation of the Website.

Based on the available record, 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 considers it evident that the Respondent was aware of the Trade Mark when registering the disputed domain name given the fact that the Complainant had a registered trade mark which had as its distinctive element the words "oliver gal" at the time of the registration, the reputation of the Trade Mark and the use of the Trade Mark and the Complainant's copyright content on the Website. The Panel further notes that the disputed domain name reproduces the Trade Mark in its entirety with the mere addition of the letter "s".

In the [WIPO Overview 3.1](#), section 3.2.2 states as follows:

"Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

The fact that there is a clear absence of rights or legitimate interests coupled with the Respondent's choice of the disputed domain name incorporating the Trade Mark with only a trivial easily overlooked variation, without any explanation, is also a significant factor to consider (as stated in [WIPO Overview 3.1](#), section 3.2.1). The disputed domain name falls into the category stated above and the Panel finds that registration is in bad faith.

The disputed domain name is also being used in bad faith. The Respondent has made unauthorised use of the Complainant's Trade Mark and copyright content, and the Website purports to offer for sale the Complainant's products without authorisation. Taken together, these factors strongly indicate that the

Respondent is deliberately passing off the Complainant, with a view to misleading Internet users and potentially facilitating fraudulent activity.

The Website prominently displayed the Trade Mark, the Logo and reproduced the Complainant's branded content, without any disclaimer clarifying the absence of any relationship between the Parties. The overall presentation of the Website was calculated to give the false impression that it was operated by, authorised by, or otherwise affiliated with the Complainant.

It is highly likely that Internet users who type the disputed domain name into their browser or encounter it via a search engine would expect to reach a website operated by the Complainant. The disputed domain name wholly incorporates the Trade Mark and has been used in a manner that reinforces that false association, thereby increasing the risk of confusion.

In light of the above, the Panel concludes 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 Trade Mark as to the source, sponsorship, affiliation, or endorsement of the Website and the products offered on it, within the meaning of paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that the third element of the Policy has been established. Based on the available record, the Panel finds the third element of the Policy has been established.

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 <olivergals.com> be transferred to the Complainant.

/Karen Fong/

Karen Fong

Sole Panelist

Date: July 11, 2026