

ADMINISTRATIVE PANEL DECISION

Vida Shoes International, Inc. v. Aung Hagen
Case No. D2026-1964

1. The Parties

The Complainant is Vida Shoes International, Inc., United States of America (“United States” or “US”), represented by Kane Kessler, PC, United States.

The Respondent is Aung Hagen, United States.

2. The Domain Name and Registrar

The disputed domain name <jambufot.com> is registered with TuringSign Inc. d/b/a Cosmotown (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 6, 2026. On May 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 11, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 12, 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 amended Complaint on May 17, 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 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 10, 2026.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on June 18, 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 the owner of the mark JAMBU (the "JAMBU Trademark"). The Complainant owns trademark registrations for the mark JAMBU and JAMBU & CO covering footwear and other related goods in International Class 25 including but not limited to US Trademark Registration Nos. 3887252 (registered on December 7, 2010) and 5400713 (registered on February 13, 2018).

The Complainant is also the owner of the mark JBU (the "JBU Trademark", and together with the JAMBU Trademark, the "Trademarks") and owns US Trademark Registration No. 4418708 (registered on October 15, 2013) for the mark JBU covering footwear in International Class 25. The Complainant conducts business on the Internet at <jambu.com>.

The disputed domain name was registered on December 22, 2025 (the "Disputed Domain Name").

At the time of filing the Complaint and at the time of this Decision, the Disputed Domain Name resolves to a website claiming to sell the Complainant's goods.

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 Respondent is operating the website at the Disputed Domain Name and is offering for sale counterfeit goods at and through that website falsely identified and labeled as JAMBU and JBU goods (the "Counterfeit Goods"), under the banner of JAMBU & CO. The Respondent is also falsely holding itself out as the Complainant and/or affiliated with and/or an authorized distributor of the Complainant.

The Complainant further contends that it has no connection whatsoever to the Respondent and has never heard of the Respondent prior to this dispute. Upon information and belief, the Complainant's use and registration of the Trademarks predate the Respondent's use of the Trademarks. The Complainant has been using the JAMBU Trademark in connection with the above-mentioned goods at least as early as November 2009, has been using the JBU Trademark in connection with the above-mentioned goods since at least as early as August 2012, and has been using the JAMBU & CO. Trademark in connection with the above-mentioned goods since at least as early as July 2017. By contrast, the Respondent registered the Disputed Domain Name only a few months ago on December 22, 2025. Upon information and belief, the Complainant's Trademarks are well-known, and the Respondent is aware of the Complainant's Trademarks; the Disputed Domain Name should therefore be considered as having been registered and used in bad faith.

The Complainant further asserts that the Disputed Domain Name is confusingly similar to the Complainant's registered JAMBU Trademark, and it is confusingly similar to the legitimate domain name of the Complainant's under the website "www.jambu.com". In both cases, it appropriates the entirety of the JAMBU Trademark or Complainant's domain name, only adding the term "foot" to the Disputed Domain Name.

The Complainant states that there is no evidence of the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to it in connection with a bona fide offering of goods or services. To the best of the Complainant's knowledge, the Respondent (as an individual, business,

or other organization) has not been commonly known by the Disputed Domain Name, whether or not the Respondent has acquired any trademark or service mark rights. Additionally, to the best of the Complainant's knowledge, there is no evidence that the Respondent has acquired any trademark or service mark rights in connection with the Trademarks. To the best of the Complainant's knowledge, the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name, but is instead intentionally and misleadingly diverting consumers to its fraudulent website and tarnishing the JAMBU Trademark at issue. To the best of the Complainant's knowledge, the Complainant has no connection whatsoever to the Respondent and has never heard of the Respondent prior to this dispute.

The Disputed Domain Name was registered by the Respondent primarily for the purpose of disrupting the business of the Complainant. By using the Disputed Domain Name, the Respondent intentionally attempted to attract for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and of a product or service on the Respondent's website or location.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the JAMBU mark. The Disputed Domain Name reproduces the Complainant's mark in its entirety with the addition of the term "foot". The generic Top-Level Domain ".com" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test.

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

See WIPO Overview of WIPO Panel Views on Select UDRP Questions, (["WIPO Overview 3.1"](#)), section 1.8 and *Valero Energy Corporation and Valero Marketing and Supply Company v. Valero Energy*, WIPO Case No. [D2017-0075](#).

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. There is no evidence that the Respondent was ever authorized to sell the Complainant's products nor was it ever affiliated with the Complainant. Further, the Respondent's use of the Disputed Domain Name does not comply with the test established in *Okidata Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The evidence provided by the Complainant shows that the Disputed Domain Name resolves to an active website seemingly impersonating the Complainant by featuring the Complainant's trademark, copyrighted images of the Complainant's trademarked goods. While resellers and distributors may have limited rights to use a complainant's trademark for nominative purposes, the lack of any authorization by the Complainant and similarly, the absence of any disclaimer on the website at the Disputed Domain Name as to its lack of affiliation with the Complainant, renders any claim of fair use inapplicable. See section 2.8 of the [WIPO Overview 3.1](#).

The Disputed Domain Name fails to satisfy the requirements for fair use under the Oki Data test. The Panel further notes that the composition of the Disputed Domain Name confusingly similar to the Complainant's Trademarks carries a risk of implied affiliation, especially when considering the impersonating nature of the content exhibited on the website at the Disputed Domain Name, and as such cannot constitute fair use. See section 2.5.1 of the [WIPO Overview 3.1](#).

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#); and [WIPO Overview 3.1](#), section 2.1.

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered years after the Complainant first registered and used the JAMBU mark. The evidence on the record provided by the Complainant is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's JAMBU mark.

Further, the Panel finds the use of the Disputed Domain Name by the Respondent is in bad faith. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark. The evidence – including the website content and composition of the Disputed Domain Name – shows that the Respondent has created a website at the Disputed Domain Name with the intention to confuse unsuspecting Internet users into believing that it is operated by the Complainant.

In the absence of any evidence or explanation from the Respondent, the Panel finds that the registration and use of the Disputed Domain Name constitute bad faith.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <jambufont.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: July 3, 2026