

## **ADMINISTRATIVE PANEL DECISION**

Imagewear Apparel, LLC v. 夏海峰(Xia HaiFeng)  
Case No. D2026-2025

### **1. The Parties**

The Complainant is Imagewear Apparel, LLC, United States of America, represented by Holland & Knight LLP, United States of America (“United States”).

The Respondent is 夏海峰 (Xia HaiFeng), China.

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

The disputed domain name <redkapcanada.com> is registered with Guizhou Zhongyu Zhike Network Technology Co., Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 11, 2026. On May 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 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 (Unknown Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 20, 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 in English on May 20, 2026.

On May 20, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On May 20, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on May 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 11, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on June 17, 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 Imagewear Apparel, LLC, a company incorporated in the United States.

The Complainant manufactures and sells clothing and related goods under the trademark RED KAP, which it has used since at least 1971.

The Complainant is the owner of numerous registered trademarks for RED KAP in the United States and internationally, including registrations for marks consisting of or incorporating the term "Red Kap" in various forms. These include, for example:

-United States, Class 25 Trademark Registration No. 1758476 for RED KAP registered on March 16, 1993;

-Canada, Class 25 Trademark Registration No. TMA218468 for RED KAP registered on January 21, 1977;

-China, Class 25 Trademark Registration No. 17949875 for registered on  November 7, 2016;

The Complainant also operates a website at the domain name <redkap.com>, which was registered on October 28, 1995, and is used in connection with the RED KAP mark.

The Respondent is an individual, with an address in China.

The disputed domain name <redkapcanada.com> was registered on January 29, 2026.

The disputed domain name resolves to a website in English bearing the Complainant's trademark and logo and purportedly offering apparel products for sale.

The website prominently displays the RED KAP mark and reproduces images and content corresponding to those used on the Complainant's website.

The website appears to be directed at consumers in Canada, including by reference to Canada in the disputed domain name and the use of Canadian currency and shipping options.

#### **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 (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the domain name; and (iii) Respondent registered and is using the domain name in bad faith.

In particular, the Complainant contends that the Respondent registered and is using the disputed domain name in bad faith, including by using it to host a website falsely presenting itself as an official online store, purportedly offering products identical to those of the Complainant and seeking to deceive users into submitting their personal and financial information to the Respondent.

The Complainant submits that it has no affiliation with the Respondent, nor has it authorized the Respondent to register or use a domain name, which includes the Complainant's marks, and that the Respondent has no rights or legitimate interests in the registration of the disputed domain name. Rather, the Complainant contends that the Respondent has acted in bad faith in acquiring the disputed domain name, when the Respondent knew of the Complainant's rights.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complainant submitted the Complaint in English and requested that English be the language of the proceeding.

No Response was filed with the Center.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, and considerations of time and costs (see [WIPO Overview of WIPO Panel Views on Select UDRP Questions \("WIPO Overview 3.1"\)](#), section 4.5.1).

In this regard, the Panel notes that the disputed domain name and the associated website are in English, and that the Respondent has not objected to the Complainant's request regarding the language of the proceeding.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **6.2 Substantive Issues**

#### **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 3.1](#), section 1.7.

In the present case, the disputed domain name is confusingly similar to the Complainant's trademarks. The Panel finds that the disputed domain name incorporates the Complainant's RED KAP trademark in its entirety, with the addition of the term "canada", which does not prevent a finding of confusing similarity under the Policy.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and that the Complainant has satisfied the first element of paragraph 4(a) of the Policy.

## **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.

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 disputed domain name resolves to a website purportedly selling and offering products bearing the Complainant's mark. It is not clear if these are counterfeit or not.

If genuine products, in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), the panel held that to be bona fide within the meaning of paragraph 4(c)(i) of the policy, the offering should meet the following requirements:

- The respondent must actually be offering the goods or services at issue;
- The respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;
- The site must accurately and prominently disclose the registrant's relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site; and
- The respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case the Respondent does not meet, at least, the third requirement set out above.

The website under the disputed domain name does not accurately and prominently disclose its relationship with the Complainant.

If counterfeit, panels have held that the use of a domain name for the sale of counterfeit goods, phishing / identify theft, passing off or other types of fraud, can never confer rights or legitimate interests on a Respondent. [WIPO Overview 3.1](#), section 2.13.1.

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.

The Respondent used the Complainant's trademarks and branding to create a website that falsely purports to be an official online shop of the Complainant purportedly offering a variety of apparel bearing the Complainant's mark.

Panels have also held that the use of a domain name for the sale of counterfeit goods or passing off or other types of fraud constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4.

The Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Having reviewed the record, 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 <redkapcanada.com> be transferred to the Complainant.

*/Douglas Clark/*

**Douglas Clark**

Sole Panelist

Date: July 2, 2026