

ADMINISTRATIVE PANEL DECISION

Imagewear Apparel, LLC v. Bradley Foster
Case No. D2026-2031

1. The Parties

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

The Respondent is Bradley Foster, United States.

2. The Domain Name and Registrar

The disputed domain name <redkap.shop> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 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 the same date.

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 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 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

According to the Complaint, since at least as early as 1971, the Complainant (itself and through its predecessors in interest) has marketed and sold clothing and footwear products under the RED KAP trademark.

The Complainant has obtained more than twenty U.S. Federal trademark registrations relating to the RED KAP mark, as both word marks and stylized logos, as well as numerous pending applications including:

RED KAP Reg. No. 1758476 registered March 16, 1993, for “pants, coveralls, shirts, coats and jackets” in Class 25;

RED KAP Reg. No. 3058253 registered February 7, 2006, for “providing consumer product information via the internet” in Class 35; and

RED KAP Reg. No. 7502641 registered September 10, 2024, for “clothing for protection against accidents” in Class 9.

The Complainant also submits it has obtained trademark registrations relating to the RED KAP Mark, as both word marks and stylized logos, in more than 50 other countries.

The Complainant's primary website is located at “www.redkap.com”.

On April 22, 2026, the Respondent registered the disputed domain name. The disputed domain name resolves to a website, displaying the Complainant's RED KAP mark and purportedly offering the Complainant's products for sale. The website also reproduced the Complainant's official support email address as contact address.

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.

The disputed domain name is confusingly similar to the Complainant's domain name <redkap.com> and the RED KAP mark, because it incorporates the RED KAP mark entirely and is identical to the Complainant's domain name save the use of the “.shop” generic Top-Level Domain (“gTLD”).

The Complainant contends that the Respondent appears to have registered the disputed domain name in order to capitalize on the Complainant's established goodwill and brand recognition, as an apparent effort to lure website traffic and then entice visitors to submit their personal information and make – or attempt to make – purchases of purported “RED KAP” branded clothing and footwear. Screenshots of the Respondent's website, including the mechanism by which visitors can enter their personal information and payment details were submitted as proof. The Respondent has used the RED KAP mark on its website, and reproduced product images from the Complainant's own website.

The Complainant declares that the Respondent's use of the disputed domain name is unauthorized. The Respondent is not related to, affiliated with, endorsed by, nor otherwise associated with the Complainant. The Respondent has not sought from the Complainant, nor has the Complainant granted to the Respondent, authorization, permission, or license to use the RED KAP mark.

The Respondent cannot in good faith claim that it registered and began to use the disputed domain name without notice of the Complainant's trademark rights. The Complainant's use of the RED KAP mark and its federal and international registrations pre-date the Respondent's use of the disputed domain name by decades. Moreover, the Respondent's website specifically reproduces photographs from the Complainant's own website. Thus, the Respondent had both constructive and actual knowledge of the Complainant's trademark rights.

The Respondent's use of the disputed domain name cannot be a bona fide use, because the Respondent trades on the Complainant's goodwill by using its trademark within the disputed domain name – a trademark to which it has no legitimate claim. By all appearances, the Respondent uses the disputed domain name merely to lure unsuspecting website visitors into providing their personal and financial information to the Respondent, with no evidence that the Respondent actually does – or, in fact, even could – fulfill the purchases for which that information is provided.

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 RED KAP mark. The disputed domain name reproduces the Complainant's mark in its entirety. The gTLD ".shop" 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 identical to a mark in which the Complainant has rights.

See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), sections 1.7 and 1.11.1.

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 *Ok! Data 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 and the Complainant's official support email address. 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 lack of any information on the website at the disputed domain name as to the website's lack of authorization or relation to the Complainant, renders any fair use safe haven inapplicable in this instance. See section 2.8 of the [WIPO Overview 3.1](#).

Irrespective of the disputed domain name satisfying the so-called Oki Data test, the identical nature of the disputed domain name to the Complainant's trademark carries a high 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 RED KAP 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 RED KAP 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 the disputed domain name 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 has been for bad faith purposes.

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 <redkap.shop> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: July 1, 2026