

ADMINISTRATIVE PANEL DECISION

J.W. Jung Seed Co. v. Jeffery Mccoy
Case No. D2026-2072

1. The Parties

The Complainant is J.W. Jung Seed Co., United States of America (“US”), represented by Husch Blackwell LLP, US.

The Respondent is Jeffery Mccoy, US.

2. The Domain Name and Registrar

The disputed domain name <jung-seed.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 18, 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 for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 19, 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 the first and second amended Complaints on May 20, 2026.

The Center verified that the Complaint together with the amended Complaints 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 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 Dennis A. Foster 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 a family-owned and -operated seed producer and seller based in Wisconsin, US, that began doing business at the beginning of the past century. The Complainant markets its seeds to farmers and gardeners primarily through its catalogs of which it now prints over 8 million copies per year.

In conjunction with its business, the Complainant has registered several JUNG trademarks of which the following:

US trademark registration No. 2,160,175, registration date May 26, 1998, international class (“int. cl.”) 35 for retail store services featuring home gardening products, plants and trees, and mail order catalog services featuring gardening products; and

US trademark registration No. 2,036,703, registration date February 11, 1997, int. cl. 31 for seeds.

The Complainant has an extensive website at the domain name <jungseed.com> that is interactive and allows Internet customers to purchase the Complainant’s products and have them delivered. The Complainant registered its <jungseed.com> domain name on October 29, 1997.

The Respondent is an individual located in the US who registered the disputed domain name on March 11, 2026. The disputed domain name resolves to a website that has copied the essential features of the Complainant’s own website, including its trademark and logo, and photos of the same vegetables and flowers. The Respondent’s website purports to sell the same products as the Complainant does.

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.

In brief, the Complainant contends:

- The disputed domain name is confusingly similar to the Complainant’s JUNG trademark because it incorporates the Complainant’s trademark in its entirety.
- The Respondent’s combining the Complainant’s JUNG trademark with the descriptive term “-seed” does not prevent a finding that the disputed domain name is confusingly similar to the Complainant’s trademark.
- The Respondent has no rights or legitimate interests in the disputed domain name.
- The Complainant has no relationship with the Respondent, and the Complainant has never given the Respondent any license or authorization to use its JUNG trademark.
- The Respondent was clearly aware of the Complainant prior to registering the disputed domain name.

- The Respondent has copied the Complainant's website at the disputed domain name in order to derive financial gain from the purported sale of goods identical to the Complainant's goods.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i), (ii), and (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant shows that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant's first burden of proof under Policy paragraph 4(a)(i) is to show that it has trademark rights for the purposes of these proceedings. In this regard, the Complainant has exhibited copies of its US JUNG trademark registrations whose details the Panel has noted above in the Factual Background section. The Panel finds this proves the Complainant owns trademark rights relevant to show standing in these proceedings. WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.2.1.

The disputed domain name wholly incorporates the Complainant's JUNG trademark, and the trademark is readily recognizable in the disputed domain name. As such, the disputed domain name is confusingly similar to the Complainant's trademark. The generic Top-Level-Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is disregarded under the first element's confusing similarity or identity test. [WIPO Overview 3.1](#), sections 1.7 and 1.11.1.

Moreover, the Respondent's combining the Complainant's trademark with the term "-seed" does not change the fact that the disputed domain name is confusingly similar to the Complainant's trademark. See *Valero Energy Corporation and Valero Marketing and Supply Company v. Valero Energy*, WIPO Case No. [D2017-0075](#). [WIPO Overview 3.1](#), section 1.8.

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

The Complainant's second burden of proof under Policy paragraph 4(a)(ii) is to show that the Respondent does not have rights or legitimate interests in the disputed domain name. In this regard, the Policy consensus is that, owing to the difficulty of proving a negative, the Complainant initially need only make out a prima facie case. Then the burden of evidence production shifts to the Respondent to come forward to rebut the Complainant's prima facie case. If the Respondent fails to do so, the Panel may find the Complainant's prima facie case satisfies the Complainant's burden of proof under Policy paragraph 4(a)(ii). [WIPO Overview 3.1](#), section 2.1.

The Complainant contends it has no relationship with the Respondent, and that it has never given the Respondent any license or authorization to use its JUNG trademark or its “From Our Garden to Yours” logo at the disputed domain name website or for any purpose at all.

The Complainant further contends that the Respondent’s use of the disputed domain name is not for a bona fide offering of goods or services, but rather to infringe on the Complainant’s trademark and copyrighted images and to pass them off as its own.

The Panel finds that the Complainant has made out a prima facie case and that it is now incumbent on the Respondent to come forward to rebut the Complainant’s prima facie case. However, the Respondent in these proceedings is in default and thus has not come forward to rebut the Complainant’s prima facie case or to try to show that it does have rights or legitimate interests in the disputed domain name as allowed under Policy paragraphs 4(c)(i), or (ii) or (iii). The Panel will examine the record to see whether there might be evidence that the Respondent has rights or legitimate interests in the disputed domain name per Policy paragraphs 4(c)(i), or (ii) or (iii). In doing so, the Panel will accept all of the Complainant’s reasonable contentions based on the case record as true. [WIPO Overview 3.1](#), section 2.1.

Under Policy paragraph 4(c)(i), the Respondent would have to show that, before being notified of these proceedings, the Respondent was using the disputed domain name to make a bona fide offering of goods or services. However, the Respondent in this case copied some features of the Complainant’s website to the disputed domain name website and then purported to offer the same goods and services as the Complainant. The Panel finds this is fraudulent passing-off rather than a bona fide offering of goods or services. [WIPO Overview 3.1](#), section 2.13.1.

As for Policy paragraph 4(c)(ii), it does not appear in the record as though the Respondent was ever commonly known by the disputed domain name. Regarding Policy paragraph 4(c)(iii), the Respondent is not making a noncommercial or fair use of the disputed domain name, but is instead using it seemingly for financial gain.

The Panel finds, then, that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) provides four non-exclusive grounds on which a panel may base a finding that a respondent has registered and is using a disputed domain name in bad faith. In the present case, as the Complainant contends, the Panel finds the Respondent has infringed the bad faith provisions of Policy paragraph 4(b)(iv) because he has registered the disputed domain name in order to obtain financial gain by creating a likelihood of confusion with the Complainant. The Panel is sure the Respondent had the Complainant in mind when he registered the disputed domain name because, after registration on March 11, 2026, the Respondent swiftly moved to copy some features of the Complainant’s website and to purport to offer for sale the same goods as the Complainant.

But the Respondent did not stop there. The Respondent also passed himself off as the Complainant and the goods he was selling as those of the Complainant. See *Decathlon v. Manlidy*, WIPO Case No. [D2024-3550](#): “Moreover, it appears that the Respondent is using the disputed domain name to resolve to a website reproducing the Complainant’s well-known trademarks and pass off as an official Decathlon site where it sells purportedly counterfeit products, similar to the ones the Complainant markets, which is a clear indication of bad faith.” Also [WIPO Overview 3.1](#), section 3.4.

The Panel thus finds the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii) to show that the Respondent registered and is using the disputed domain name in bad faith.

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 <jung-seed.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: June 30, 2026