ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Pure Fishing, Inc. v. no, lar frank
Case No. D2026-2083

1. The Parties

The Complainant is Pure Fishing, Inc., United States of America ("United States"), represented by Neal & McDevitt, LLC, United States.

The Respondent is no, lar frank, Philippines.

2. The Domain Names and Registrar

The disputed domain names <berkley-fishingdepot.com> and <berkley-fishingmall.com> are registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 14, 2026. On May 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 15, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (User #ec12aba4 Privacy/User #c3744524 Privacy, See PrivacyGuardian.org) 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 an amended Complaint on May 25, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 17, 2026.

The Center appointed Stefan Bojovic as the sole panelist in this matter on June 23, 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 manufacturer of fishing equipment from the United States. The Complainant is the owner of BERKLEY brand and trademark that has been used in connection with fishing rods, reels, lines, and tools since at least as early as 1937. Since the founding of the Complainant's company, the Complainant has been producing fishing reels and related fishing equipment under its BERKLEY trademark.

The Complainant is the owner of the BERKLEY trademarks which are protected by various trademark registrations, including the following:

- United States trademark registration No. 2436312 for BERKLEY (word), registered on March 20, 2001; and

- United States trademark registration No. 3640326 for BERKLEY (word plus device), registered on June 16, 2009.

The Complainant also owns the domain name <berkley-fishing.com>, registered on November 28, 1997, reflecting its BERKLEY trademark, which is used for the Complainant's principal website.

The disputed domain name <berkley-fishingdepot.com> was registered on March 28, 2026, while the disputed domain name <berkley-fishingmall.com> was registered on February 10, 2026. At the time the Complaint was filed, the disputed domain names resolved to websites copying the Complainant's official website located at the domain name <berkley-fishing.com> and purportedly offering the Complainant's products for sale. At the time of this Decision, the disputed domain names resolve to inactive pages.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's BERKLEY trademark. The disputed domain names incorporate the Complainant's BERKLEY trademark in its entirety, along with the generic term "fishing" and the terms "mall" or "depot" which do not eliminate the confusing similarity between the Complainant's BERKLEY trademark and the disputed domain names. Finally, the applicable generic Top-Level Domain ("gTLD") in the disputed domain names (i.e. ".com") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The Complainant also adds that the disputed domain names only differ from the Complainant's legitimate business website located at the domain name <berkley-fishing.com> by the addition of terms "mall" or "depot".

With reference to rights or legitimate interests in respect of the disputed domain names, the Complainant contends that there has never been any relationship between the Complainant and the Respondent that would give rise to any license, sponsorship, permission or authorization for the Respondent to use or register the disputed domain names. The Respondent's registration of the disputed domain names suggests a false affiliation with the Complainant. The Respondent is also not commonly known by the disputed domain names.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the Complainant's BERKLEY trademark is well known, and because the Respondent has specifically selected the disputed domain names that are nearly identical to the Complainant's <berkley-fishing.com> domain name, it is evident that the Respondent has intended to confuse consumers and/or drive traffic to its websites instead of the Complainant's legitimate business website. Given the Complainant's strong reputation in the fishing industry, it is implausible to believe that the Respondent was not aware of the Complainant and its BERKLEY trademarks when it registered the disputed domain names. The Respondent has established a pattern of bad faith registration and use of domain names corresponding to third-party trademarks. There are nine UDRP cases, demonstrating the Respondent's history of registering the domain names that incorporate third party trademarks, all of which resulted in transfer of the disputed domain names to the complainants (e.g. *Valentino S.p.A. v. lar frank, no*, WIPO Case No. D2026-0169 and *L'Oréal v. no, lar frank,* WIPO Case No. D2025-0476).

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

(i) that the disputed domain names are identical or confusingly similar to a trademark or service mark in which the complainant has rights;
(ii) that the respondent has no rights or legitimate interests in respect of the disputed domain names; and
(iii) that the disputed domain names have been registered and are being used in bad faith.

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 of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the Complainant's trademark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Complainant's trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, the term "fishing" in both disputed domain names along with the terms "mall" and "depot" respectively) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

In addition, it is well established that ".com", as a gTLD, is disregarded in the assessment of the confusing similarity between the disputed domain names and the trademark. WIPO Overview 3.1, section 1.11.1.

The Panel, therefore, finds that 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.

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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

The Panel notes that there is no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's BERKLEY trademark. There appears to be no element from which the Panel could infer the Respondent's rights or legitimate interests in the disputed domain names, or that the Respondent might be commonly known by the disputed domain names.

On the contrary, the Respondent appears to be a serial cybersquatter, having been involved in a number of UDRP proceedings concerning domain names incorporating third-party trademarks, all of which were decided in favor of the respective complainants. Under such circumstances, it is difficult to conceive of any legitimate interest on the Respondent's part that would justify such conduct.

At the time the Complaint was filed, the disputed domain names resolved to websites copying the Complainant's official website located at the domain name <berkley-fishing.com> and purportedly offering the Complainant's products for sale. Such use of the disputed domain names cannot constitute a bona fide offering of goods or services under the Policy. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and passing off) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel also finds that the composition of the disputed domain names, which contains the Complainant's BERKLEY trademark in combination with the term "fishing" in both disputed domain names along with the terms "mall" and "depot" respectively, carries a risk of implied affiliation. WIPO Overview 3.1, section 2.5.1. Namely, the disputed domain names correspond to the domain name <berkley-fishing.com> where the Complainant's official website is located, while the additional terms "mall" and "depot" correspond to the Complainant's channels of distribution. Such composition of the disputed domain names, coupled with their use, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainant.

Having in mind the above, 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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

In the present case, the Panel notes that the Respondent must have been well aware of the Complainant and its BERKLEY trademark at the time of the registration of the disputed domain names. Namely, the first registration and use of BERKLEY trademark predate the registration of the disputed domain names by decades, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain names. Furthermore, the content of the websites to which the disputed domain names used to resolve leaves no room for a doubt on the Respondent's knowledge of the Complainant and its BERKLEY trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain names.

Additionally, the Respondent's UDRP record shows clear intent of targeting third-party trademarks and it is, therefore, highly unlikely that the Respondent decided to register disputed domain names without having the Complainant in mind when doing so.

Due to the above, the Panel finds that the disputed domain names have been registered in bad faith.

As discussed above, the disputed domain names resolved to websites copying the Complainant's official website located at the domain name <berkley-fishing.com> and purportedly offering the Complainant's products for sale. Such use of the disputed domain names cannot under any circumstances be regarded as a good-faith use. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and passing off) constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

While the disputed domain names no longer resolve to active websites, such passive holding does not prevent a finding of bad faith given the totality of the circumstances of the case at hand. WIPO Overview 3.1, section 3.3.

In accordance with the above, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

Therefore, 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 names <berkley-fishingdepot.com> and <berkley-fishingmall.com> be transferred to the Complainant.

/Stefan Bojovic/
Stefan Bojovic
Sole Panelist
Date: July 7, 2026