

ADMINISTRATIVE PANEL DECISION

Dart Container Corporation v. he jxing
Case No. D2026-2119

1. The Parties

The Complainant is Dart Container Corporation, United States of America (“United States” or “U.S.”), represented by McGarry Bair PC, United States.

The Respondent is he jxing, China.

2. The Domain Name and Registrar

The disputed domain name <dartcontainerus.com> 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 15, 2026. On May 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 19, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 26, 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 May 26, 2026.

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 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 24, 2026.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on June 30, 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 Nevada corporation which carries on the business of dealing in food service packaging including, inter alia, cups, plastic containers, shipping and storage boxes and gift boxes.

The Complainant is the owner of registered trade marks for the mark DART in the U.S. and 23 other countries throughout the world including; Australia, Brazil, Canada, European Union, United Kingdom and China.

The Complainant exhibits at Annex 4 to the Complaint a United States Patent and Trademark Office ("USPTO") website summary and copy of its certificate of registration for the U.S. trade mark DART, No. 2,599,911, registered on July 30, 2002, in classes 8, 17 and 21. The goods specified include: tableware, expandable foam beads for use in packaging and the production of food services products, and food service products. It should be noted that Annex 4 refers to first use of the mark for tableware in 1975.

The Complainant also exhibits at Annex 5 to the Complaint a USPTO website summary and copy of its certificate of registration for the U.S. trade mark DART within a horizontal oval device, No. 988,159, registered on July 16, 1974, in class 21, for, inter alia, plastic ware - namely cups, tumblers, drinking glasses, bowls, plates, containers and covers and lids. It should be noted that Annex 5 refers to first use of the mark in 1967 in respect to such plastic ware.

There is limited evidence of the activities of the Respondent other than that contained in Annexes 6 to 8 to the Complaint. Annex 6 consists of extracts from the Respondent's website, which shows that the disputed domain name resolves to a website under which the Respondent is offering for sale goods represented as authentic products of the Complainant without the authorization or approval of the Complainant. The disputed domain name was registered on December 22, 2025.

The evidence of the Respondent's misrepresentations using its website includes;

1. The use by the Respondent of the disputed domain name containing the Complainant's trade mark.
2. The offering for sale of goods on the Respondent's website that are represented as authentic products of the Complainant without the authorization or approval of the Complainant;
3. The evidence contained in Annex 7 which shows that the Respondent is passing off as the Complainant, including providing the Complainant's physical address in the "Contact Us" portion of the website at the disputed domain name whilst at the same time also providing its own telephone number and email contact.
4. As evidenced by Annex 7, when a user navigates to the LinkedIn, Facebook, and X links on the footer of the website and Contact page, the pages forward to the authentic pages operated by the Complainant leading the user to believe that the disputed domain name is legitimately associated with the Complainant when it is not.
5. Additionally, the footer of each page of the Respondent's website includes an image with the trade mark DART or DART plus device, or a colourable imitation of the marks, which constitute an imitation of the Complainant's registered trade marks referred to above. These images are reproduced in the body of the Complaint.

6. The Complainant, as evidenced at Annex 8, also relies upon the Blog section of the Respondent's website in which the Respondent has posted disparaging articles regarding the Complainant's products. An example is the statement added by the Respondent: *"Why I'm Not Recommending Dart's Foam Cups for Everyone"*.

In the absence of a Response the Panel proceeds to determine the Complaint on the basis of the evidence adduced by the Complainant.

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:

1. The disputed domain name <dartcontainerus.com> is identical or confusingly similar to the Complainant's registered trade marks DART;
2. There is no evidence that the Respondent has any rights or legitimate interests in respect of the disputed domain name;
3. On the evidence the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

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 entirety of the mark DART is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Panel finds 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 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.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: 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.

In this case the Panel finds that the actions of the Respondent as evidenced in Annexes 6, 7 and 8 to the Complaint provide evidence that the activities of the Respondent in utilizing the disputed domain name is passing itself off by reference to the Complainant’s trade mark rights, is attempting to divert business from the Complainant and is offering for sale goods that are represented contrary to the fact as those of the Complainant.

The Panel also notes that the Respondent has included a Blog section on the website at the disputed domain name which contains posts and disparaging articles regarding the Complainant’s products (see section 4 above). To support fair use under UDRP paragraph 4(c)(iii), the respondent’s criticism must be genuine (i.e., not pretextual); [WIPO Overview 3.1](#), section 2.6.1. The Panel notes that in this case the disputed domain name is used primarily as a pretext for commercial activity, and is passing itself off as the Complainant, noting also the composition of the disputed domain name the criticism page does not give rise to any rights or legitimate interests.

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.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: passing off, or other types of fraud constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, and in particular the evidence of the Respondent’s actions in registering and using the disputed domain name as evidenced in Annexes 6 to 8 to the Complaint and summarized in Section 4 above, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <dartcontainerus.com> be transferred to the Complainant.

/Clive Duncan Thorne/

Clive Duncan Thorne

Sole Panelist

Date: July 10, 2026