

ADMINISTRATIVE PANEL DECISION

Vale Firm LLC v. Vladyslav Klerfon
Case No. D2026-2211

1. The Parties

The Complainant is Vale Firm LLC, United States of America (“United States”), represented by Marq Vision Inc., United States.

The Respondent is Vladyslav Klerfon, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <vale-forever.org> is registered with URL Solutions, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 22, 2026. On May 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 22, 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 (Private Whois, GLOBAL DOMAIN PRIVACY SERVICES INC) 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 27, 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 June 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 30, 2026.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on July 3, 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 following facts are undisputed.

The Complainant is an apparel company incorporated in 2014, known for its premium streetwear brand offering a deconstructed interpretation of streetwear essentials.

The Complainant has multiple trademark registrations for marks that include the term “vale” in the United States, including the United States Trademark Registration No. 6526456 for the word mark “VALE LIVES” registered on October 19, 2021, for goods in class 25. In addition, the Complainant established unregistered and common law trademark rights for the word mark “VALE FOREVER”. Furthermore, the Complainant has a pending trademark application with the USPTO for the word mark “VALE FOREVER” filed on September 8, 2025, with the serial number 99381742 for goods in class 25.

The Complainant operates its official e-commerce store at “www.valeforever.com”.

The disputed domain name was registered on October 17, 2025.

At the time of rendering this Decision, the disputed domain name resolves to an active website displaying streetwear apparel while using the Complainant’s Vale brand in multiple instances and mentioning “we are VALE”, “certified reseller” and “authenticated”, whilst also displaying in the footer of the website “Vale-Forever.org is an independent luxury fashion retailer and is not affiliated with, endorsed by, or officially connected to any brand featured on this website.”

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 the following.

The Complainant is a recognized and highly regarded apparel company with a strong commercial reputation and a loyal consumer base in the fashion industry. The “VALE FOREVER” and “VALE LIVES” are the Complainant’s proprietary brand identities and flagship clothing lines. The Complainant actively and heavily promotes its apparel under these trademarks and conducts substantial global commerce via its official website. The “VALE FOREVER” and “VALE LIVES” marks are inextricably linked to the Complainant’s corporate identity and goodwill.

The Complainant holds rights in the “VALE FOREVER” mark both by virtue of its pending USPTO trademark application and through well-established common law rights arising from sustained commercial use. Since at least 2020, the Complainant has continuously operated its official e-commerce store at “www.valeforever.com” under the “VALE FOREVER” brand, conducting commercial sales of streetwear apparel and displaying copyright notices reading “2020, Vale Forever,” which independently evidence the date from which the Complainant has asserted ownership of the mark. Through extensive and uninterrupted global promotion and commercial sales conducted under the “VALE FOREVER” mark, the mark has acquired substantial secondary meaning, such that relevant consumers associate it exclusively with the

Complainant's goods and services. The Complainant's pending USPTO trademark application further reinforces these rights, reflecting its ongoing and formal commitment to protecting the "VALE FOREVER" brand identity. Taken together, these circumstances establish that the Complainant has rights in the "VALE FOREVER" mark within the meaning of the Policy.

The disputed domain name incorporates the Complainant's trademark in its entirety and wholly incorporates the "VALE FOREVER" common law mark without any addition or deletion of letters. The addition of a punctuation mark, a hyphen and the generic Top-Level Domain ("gTLD") ".org" can be disregarded under the first element of the confusing similarity test.

The disputed domain name is a direct typosquatting imitation of the Complainant's official website.

The Respondent has no rights or legitimate interests in the disputed domain name. There is no relationship or affiliation of any kind between the Complainant and the Respondent, and the Respondent has not been authorized by the Complainant to use the "VALE FOREVER" mark. The Respondent is not commonly known by the disputed domain name and has not acquired any trademark or service mark rights of its own. The website associated with the disputed domain name prominently displays the unauthorized designation "Vale SS26 Certified Reseller" and reproduces the copyright notice "© 2026 Vale Forever. All rights reserved." in the footer, both of which falsely imply an official affiliation with, or authorization by, the Complainant. Rather than disclosing its lack of any relationship with the Complainant, the Respondent actively exploits the goodwill and reputation of the "VALE FOREVER" mark to mislead consumers into believing they are dealing with an authorized source. Such deliberate misrepresentation cannot constitute a bona fide offering of goods or services within the meaning of the Policy. Equally, given the overtly commercial nature of the Respondent's website and its unauthorized appropriation of the Complainant's brand, no legitimate noncommercial or fair use can be established. Accordingly, the Respondent has failed to demonstrate any right or legitimate interest in the disputed domain name.

The disputed domain name has been registered and is being used in bad faith. Given the distinctive nature of the "VALE FOREVER" and "VALE LIVES" marks and its established reputation in the premium streetwear industry since 2014 it is evident that the Respondent was aware of the Complainant's rights at the time of registration. The Respondent was fully aware of the Complainant's expanding trademark rights at the time of registration and deliberately registered the domain name in bad faith to hijack the Complainant's brand trajectory. Second, the Respondent is creating a false impression of affiliation by impersonating the Complainant's official brand presence. The Respondent registered the disputed domain name with full knowledge of the Complainant's trademark rights and with the deliberate intent to target its brand identity.

Second, the Respondent is creating a false impression of affiliation with the Complainant. The website associated with the disputed domain name prominently displays the unauthorized designation "Vale SS26 Certified Reseller", incorporating both the Complainant's brand name and its seasonal collection naming convention. The website's footer further reproduces the copyright notice "© 2026 Vale Forever. All rights reserved." These elements, in combination, are designed to deceive Internet users into believing they are accessing an official, authorized, or affiliated website of the Complainant.

Third, the Respondent is using the disputed domain name for commercial gain in violation of paragraph 4(b)(iv) of the Policy. The website is structured as a commercial e-commerce platform selling streetwear apparel. By holding itself out as a "Certified Reseller" without any authorization from the Complainant, the Respondent fails to satisfy the Oki Data principles (as to be discussed below). The Complainant submits that the Respondent is intentionally attempting to attract Internet users to its website for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website.

The Respondent's concealment of its identity in the Whois record is indicative of bad faith, as it serves to frustrate the Complainant's ability to enforce its trademark rights. Finally, on May 11, 2026, the Complainant submitted a detailed report to the relevant Registrar regarding the disputed domain name. Despite having been placed on explicit notice, the Respondent failed to respond or to comply with the Complainant's requests to transfer or cancel the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The Center has employed all reasonably available means to deliver the Notification of Complaint to the Respondent. The notification was sent by registered mail and arrived in Ukraine with the last status of being registered for collection. As such the Panel notes that it is not clear whether the postal notification was delivered to the Respondent's address in Ukraine.

However, the Notification of Complaint was also sent to the Respondent by email and through the website contact form included on the website to which the disputed domain name resolves.

Moreover, as described below, the Panel has no doubt that the Respondent registered and has used the disputed domain name in bad faith to target the Complainant and mislead consumers.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

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 VALE LIVES for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

Moreover, the Panel finds the Complainant has established unregistered trademark rights for VALE FOREVER, for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

Leaving aside the registered trademark for VALE LIVES, the entirety of the unregistered trademark right for VALE FOREVER is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical 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.

Generally speaking, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1. In this case the disputed domain name is identical to the Complainant’s trademark.

As such the use by the Respondent is not fair use and the Panel does not have to consider whether “Okidata test” applies ([WIPO Overview 3.1](#), section 2.8). However, it is also clear that the third requirement of the Okidata test is not met, i.e. that the site must accurately and prominently disclose the registrant’s relationship with the trademark holder. Although the website to which the disputed domain name resolves includes a disclaimer stating that the Respondent is an independent reseller, the copyright notice includes “© 2026 Vale Forever”, which would create the impression that there is a relationship between the Complainant and the Respondent.

Panels have held that the use of a domain name for illegitimate activity here, claimed a copycat site, 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 refers to its considerations under Section 6.B. of this Decision.

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances 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.

In the present case, the Panel notes that the Respondent with the registration and use of the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s mark.

The Panel further notes that the disputed domain name was registered on October 17, 2025, after one month the Complainant has filed the application for its VALE FOREVER trademark. This close temporal proximity suggests that the Respondent had the Complainant and its mark in mind at the time of registration of the disputed domain name, thereby further supporting a finding of registration in bad faith.

Panels have held that the use of a domain name to impersonate a trademark owner or to falsely suggest an affiliation with that owner constitutes bad faith registration and use. [WIPO Overview 3.1](#), Section 3.4.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

The Panel finds the third element of the Policy has been established.

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 <vale-forever.org> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: July 14, 2026