

ADMINISTRATIVE PANEL DECISION

Apex Brands, Inc. v. David Sokolov
Case No. D2026-2439

1. The Parties

The Complainant is Apex Brands, Inc., United States of America ("United States"), represented by von Briesen & Roper, s.c., United States.

The Respondent is David Sokolov, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <thewissscissors.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 June 4, 2026. On June 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 8, 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 ("Wiss / 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 June 8, 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 June 9, 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 17, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was July 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 8, 2026.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on July 14, 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 United States company that manufactures and commercializes tools. Under the WISS trademark, in particular, the Complainant produces and commercializes cutting tools, including but not limited to scissors, shears, and related hand tools. The WISS mark has been in use for several decades, dating back to the 1920s. In this regard, the Panel has accessed and consulted the Complainant's official corporate website at "www.apextoolgroup.com".¹

The Complainant holds various trademark registrations for its WISS mark, including United States Trademark Registration No. 160,744, WISS, registered on October 24, 1922.

The disputed domain name was registered on November 10, 2025, and resolves to an English-language website that purportedly offers WISS-branded scissors and shears for sale. This website reproduces the WISS mark in red letters in its header, followed by the registered trademark symbol (®), and impersonates the Complainant through statements such as: "Hey friends, We're Wiss Scissors and Cutting Tools Brand." The WISS mark, in red letters, is also used as a favicon for the site. Furthermore, the website displays promotional copyrighted images and other marketing materials associated with WISS products. The website lacks any disclaimer regarding its relationship - or lack thereof - with the Complainant and its trademark, nor does it provide any information identifying the actual owner of the site or of the disputed domain name. The website's footer features a physical address in the United States, a telephone number, and business hours, as well as the statement: "We offer fast, reliable shipping with tracking on all orders, so you can receive your Wiss tools quickly and confidently." The copyright notice at the bottom of the page reads: "Copyright © 2026 - Wiss Scissors." The Complainant has provided evidence showing that at the time the Complaint was filed, the website displayed the same header "We're Wiss Scissors and Cutting Tools Brand."

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 the WISS mark is distinctive and long-established in connection with cutting tools, including scissors, and that the disputed domain name is confusingly similar to this trademark because it incorporates the mark in its entirety. The addition of the terms "the" and "scissors" does not prevent a finding of confusing similarity. On the contrary, the term "scissors" directly describes the Complainant's core products, thereby increasing the likelihood of confusion and false affiliation, while the article "the" is a mere trivial addition. Likewise, the generic Top-Level Domain ("gTLD") ".com" is a standard technical requirement and should be disregarded for the purposes of the confusing similarity analysis.

The Complainant further asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has no authorization to use the WISS mark, and there is no relationship between the Parties. Additionally, there is no evidence that the Respondent is commonly known by the terms "Wiss" or "Wiss Scissors," nor is the disputed domain name used in connection with a bona fide

¹ Under the general powers articulated in paragraphs 10 and 12 of the Rules, a panel may undertake limited factual research into public records if such information is useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), [WIPO Overview 3.1](#), section 4.8.

offering of goods or services or a legitimate noncommercial or fair use. The Respondent's website impersonates the Complainant, prominently displays the WISS mark, and reproduces copyrighted product images without authorization; conduct that is inherently misleading and intended to capitalize on the Complainant's goodwill.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark. The composition of the disputed domain name - wholly incorporating the WISS mark combined with the term "scissors," which directly corresponds to the Complainant's well-known product line - further demonstrates the Respondent's bad faith. The Respondent had actual knowledge of the Complainant and its intellectual property rights at the time of registration and is deliberately attempting to pass itself off as the Complainant or an authorized distributor. The unauthorized use of the Complainant's proprietary images to mimic an official website further confirms bad faith. Lastly, the Complainant contends that the Respondent may have misappropriated third-party content, including that of an unrelated accounting firm, to conceal its identity while perpetrating a scheme to confuse users and potentially facilitate fraud.

B. Respondent

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

6. Discussion and Findings

The Complainant has made the relevant assertions required under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and allegations, and may conduct limited independent research pursuant to the general powers of the Panel, as articulated, inter alia, in paragraph 10 of the Rules.

6.1 Preliminary Matters

The Panel notes that no communication has been received from the Respondent.

The Respondent's postal address is listed in Ukraine, which, as of the date of this Decision, is still subject to an international conflict that could affect case notifications. In accordance with its discretion under paragraph 10 of the Rules, the Panel has considered whether the proceedings should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)). Having reviewed all circumstances, the Panel concludes that the proceedings should continue. The Panel notes that the Center used both the Registrar contact form and the Respondent's email address, as registered with the Registrar, to notify the Complaint. There is no evidence that the notification emails were not successfully delivered.

Furthermore, the Respondent registered the disputed domain name on November 10, 2025, more than three years after the onset of the international conflict, and thus appears capable of controlling both the disputed domain name and its content. Having apparently received notification of the Complaint by email, the Respondent would have been able to prepare and submit a Response if it had wished to do so. The Panel also notes that the website hosted at the disputed domain name is in English and displays a location address in the United States, as well as opening hours of the business, suggesting its location in that country. This may support the inference that the Respondent is not actually located in Ukraine and is capable of controlling the site content and receiving all email communications related to the disputed domain name.

Moreover, for the reasons analyzed later in this Decision, the Panel considers – despite the absence of a Response – that the Respondent registered and has used the disputed domain name in bad faith, with the intent to unfairly target the Complainant and its trademark.

Accordingly, the Panel finds that it may proceed to decide this case and draw inferences from the Respondent's failure to submit any Response. While the Respondent's failure to submit a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default. See WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition ("[WIPO Overview 3.1](#)"), section 4.3; see also, e.g., *Verner Panton Design v. Fontana di Luce Corp.*, WIPO Case No. [D2012-1909](#).

6.2 Substantive Matters

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, namely the WISS Mark. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark 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.

Although the addition of other terms here, the article "the" and the term "scissors", 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 name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Furthermore, the gTLD ".com" is a standard registration requirement typically disregarded for purposes of the confusing similarity analysis. [WIPO Overview 3.1](#), section 1.11.

Consequently, 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.

The Panel notes that the Respondent's name shares no similarities with the term "wiss" or the terms in the disputed domain name, "thewissscissors" (or "the wiss scissors"). Furthermore, the Panel has corroborated through several searches in the WIPO Global Brand Database that the Respondent holds no trademark registrations for those terms.

The Panel further observes that this case does not meet the requirements established for resellers or distributors to be considered as making a bona fide offering of goods or services under the Policy, commonly known as the "Oki Data test" (referring to *Oki Data Americas, Inc. v. ASD Inc.*, WIPO Case No. [D2001-0903](#)). Particularly, the website associated with the disputed domain name fails to accurately and prominently disclose the Respondent's lack of relationship with the Complainant. On the contrary, the Respondent's website actively impersonates the Complainant with statements such as "[...] We're Wiss Scissors and Cutting Tools Brand," and by reproducing the Complainant's official copyrighted promotional materials without authorization. [WIPO Overview 3.1](#), section 2.8.

The Panel wishes to clarify that even if the Respondent were selling genuine WISS products (which is not established in the record), the Respondent's website is designed to deceive consumers into believing it is the official online store of the Complainant. UDRP panels have consistently held that a respondent cannot claim to be making a bona fide offering of goods when its website is actively misleading and fails to clearly disclose its lack of affiliation with the trademark owner.

Furthermore, utilizing the disputed domain name to pass off as the Complainant or one of its authorized distributors constitutes an illegal activity. Panels have consistently held that the use of a domain name for illegitimate or illegal activities, in this case, passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Therefore, 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.

In the present case, the Panel finds that the circumstances clearly demonstrate the registration and use of the disputed domain name in bad faith.

In particular, several factors establish that the Respondent was fully aware of the Complainant's prior rights and specifically targeted those rights when registering and using the disputed domain name, namely: (i) the fact that the disputed domain name incorporates the WISS mark in its entirety, combined with the term "scissors" which refers directly to the goods commercialized under that mark; and (ii) the unauthorized inclusion of the WISS mark followed by the registered trademark symbol (®) on the Respondent's website, and as a favicon, without disclosing the absence of any affiliation of the Complainant, and against the background of the overall website design intended to lead Internet users to believe that it is operated by the Complainant.

The Panel notes that the WISS mark has been continuously used in the United States for over a century, dating back to the 1920s, and that the Respondent's website features a physical address in the very same country in its footer. Furthermore, the mark is prominently used on the Internet, and any basic search for the term "wiss" immediately reveals the Complainant and its trademark.

The Panel further finds that the use of the disputed domain name constitutes an illegal activity and, therefore, bad faith under the Policy. UDRP panels have firmly established that the utilization of a domain name for illegitimate or illegal activities, such as passing off or other forms of fraud, constitutes evidence of bad faith. [WIPO Overview 3.1](#), section 3.4.

Additionally, the Panel notes that the owner of the disputed domain name utilized a privacy service to mask its identity. While the use of such services is not per se illegitimate, in the context of this case - which is characterized by active impersonation - it further supports the inference that the Respondent acted in bad faith to evade detection. [WIPO Overview 3.1](#), section 3.6.

Consequently, having reviewed the entire record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

Accordingly, the Panel finds that the third element of the Policy has been satisfied.

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 <thewissscissors.com> be transferred to the Complainant.

/Reyes Campello Estebaranz/

Reyes Campello Estebaranz

Sole Panelist

Date: July 21, 2026