ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Cascadia Fashions Resources Inc. v. wen xuxiao
Case No. D2026-2668

1. The Parties

The Complainant is Cascadia Fashions Resources Inc., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is wen xuxiao, China.

2. The Domain Name and Registrar

The disputed domain name <tuff-athletics.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 18, 2026. On June 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 (Redacted For Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 24, 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 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 17, 2026.

The Center appointed Syed Naqiz Shahabuddin as the sole panelist in this matter on July 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 following summary sets out the uncontested factual submission made by the Complainant:

4.1 The Complainant is an apparel design and manufacturing company that owns a portfolio of brands, including the private label brand TUFF ATHLETICS (the "Trademark") for women's activewear, which the Complainant founded in Vancouver, Canada in or about 2003.

4.2 Since at least as early as 2011, the Complainant has sold over 3.8 million units a year in association with the Trademark through sales channels which include wholesaler arrangements such as through Costco Wholesale in Canada. The products bearing the Trademark are positioned as a source of comfortable performance activewear.

4.3 The Complainant's products are sold worldwide and enjoys its most significant revenues in Canada, the United States of America, the United Kingdom, Australia, Mexico, and Taiwan Province of China.

4.4 The Complainant has also launched several brand expansions over the years for related activewear products, including TUFF VEDA, TUFF GIRL, TUFFY, and TUFF APPAREL. In 2026, the Complainant launched a premium collection under the brand TUFF COLLECTION, which now serves as the umbrella brand for several of its brands. The TUFF COLLECTION brand focuses on elevated, enduring activewear pieces through direct-to-consumer sales, while items that use the Trademark remain focused on classic, attainable pieces.

4.5. The Complainant also operates a website located at "www.thetuffcollection.com" which include collections of items applying the Trademark.

4.6. The Complainant has registered trademark registrations in several jurisdictions for the Trademark including variations thereof. The following sets out the details of some of the registrations of the Trademark by the Complainant:

Jurisdiction	**Mark**	**Registration Number**	**Date of Registration**	**Classification of Goods / Services**
Canada	TUFF ATHLETICS	TMA 659076	February 15, 2006	25
Mexico	TUFF ATHLETICS	1504409	January 7, 2015	25
United States of America	TUFF ATHLETICS	3118660	July 25, 2006	25 (International Class) 22, 39 (US Class)

4.7. The Complainant has also registered trademarks comprising the device of a flower design (the "Flower Design") and is also the owner of the copyright subsisting in the Flower Design. The Complainant makes use of the Flower Design on its apparel and in advertising of the Complainant's goods.

4.8. The Respondent registered the disputed domain name on March 5, 2025.

4.9 The disputed domain name resolves to an online website which reproduces the Trademark, the Complainant's images, the Flower Design and the Complainant's informative or descriptive material. The Respondent's website also contains assertions that the Respondent owns "proprietary TuffTechTM and TuffTexturedTM fabrics" that enhance product comfort and superiority and refers to itself as TUFF ATHLETICS throughout the website.

4.1 The Complainant has not given any permission, authority, consent or licence to the Respondent to use the Trademark and variations thereof including the Flower Design, its images or the Complainant's informative or descriptive material.

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, inter alia, as follows:

5.1 The Complainant asserts that the Trademark is a well-known trademark that is used internationally and that the disputed domain name is identical or confusingly similar to the Trademark for the following reasons:

(a) the disputed domain name comprises the Trademark in its entirety with the only difference being the insertion of a hyphen, which does nothing to avoid confusing similarity; and

(b) the use of the generic Top-Level Domain ("gTLD") ".com" does not change the result and is a standard registration requirement.

5.2 The Complainant further contends that the Respondent does not have any rights or legitimate interests to the disputed domain name because:

(a) the Respondent has no relationship, connection or affiliation with Complainant and has not received any authorization, approval, license, or consent, whether express or implied, to register or to use the Trademark in the disputed domain name, the Respondent's website or in any other manner;

(b) the Respondent has engaged in the wholesale misappropriation of the Complainant's intellectual property, and the Respondent's use of the Complainant's intellectual property is intended to suggest that the Respondent is affiliated with, connected to, or endorsed by, the Complainant, when that is not the case;

(c) the Respondent's website is dedicated to sales of women's activewear applying the Trademark. The Respondent's website makes extensive use of the Trademark, which in most cases is accompanied by a "®" designation, falsely suggesting that the Trademark is a registered trademark of the Respondent. Additionally, the headline banner of the Respondent's website includes an unauthorized reproduction of the Flower Design, which is also clearly visible on the product images shown on the Respondent's website;

(d) most of the product images in the Respondent's website are unauthorized reproductions of the Complainant's own product images, in which the Complainant contends, is the sole owner of copyright. Additionally, the Respondent mimics the Complainant's founding story and brand identity in the "About Us" section of its website and falsely claims that the brand was founded in Los Angeles, California;

(d) the Respondent is not commonly known by the Trademark;

(e) there is no evidence to suggest that the Respondent has ever used, or demonstrated preparations to use, the disputed domain name, or a name corresponding thereof, in connection with a bona fide offering of goods or services; and

(f) the Respondent registered the disputed domain name for the purpose of disrupting the business of the Complainant in an attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant as to source or sponsorship.

5.3 The Complainant further contends that the Respondent registered and uses the disputed domain name in bad faith and relies on the following:

(a) the disputed domain name was registered on March 5, 2025, long after the Complainant attained goodwill and registered rights in the Trademark;

(b) by using the Trademark in its entirety as the disputed domain name, the Respondent sought to pass itself off as the Complainant. This attempt is further supported by the use of other trademarks, images and informative and descriptive matter belonging to the Complainant. In this regard, potential consumers of the Complainant are likely to be confused or misled into believing that the Respondent is somehow affiliated with, or sponsored by, the Complainant.

(c) the circumstances of registration and use of the disputed domain name, as described above, indicate that this was a deliberate bad faith attempt to ride on the goodwill associated with the Trademark in order to exploit, for commercial gain, Internet traffic properly destined for the Complainant**.**

B. Respondent

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

6. Discussion and Findings

In order to succeed in its Complaint, the Complainant is required to establish the following elements set out under paragraph 4(a) of the Policy:

(a) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(b) that the Respondent has no rights or legitimate interest in respect of the disputed domain name; and

(c) that the disputed domain name has been registered and is 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 entirety of the mark 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.

Although the addition of other terms here, a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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 evidence adduced by the Complainant suggests that the Respondent intended to ride on the strength and goodwill of the Trademark. The use of the Trademark in its entirety as part of the disputed domain name coupled with the use of other trademarks, images and informative or descriptive matter owned by the Complainant in the Respondent's website point to the conclusion that there was an intent to deliberately redirect Internet traffic to the Respondent's website and away from the Complainant.

Panels have held that the use of a domain name for illegal activity here, claimed passing off, 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 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.

The Panel is cognizant of the goodwill attached to the Trademark. This often leads to attempts to hijack or to ride on the goodwill attached thereto by third parties unconnected to the Complainant. The evidence adduced by the Complainant suggests that the Respondent intended to do so. This includes the following factors:

(a) the date of registration of the disputed domain name which was long after the Trademark was registered and used internationally by the Complainant;

(b) the absence of any relationship, approval, permission, licence or authority by the Complainant to the Respondent to use the Trademark;

(c) the inclusion of the Trademark in its entirety in the disputed domain name; and

(d) the manner in which the Respondent uses the disputed domain name to redirect Internet users to its website which reproduces the Complainant's Trademark and variations thereof (including the Flower Design), the Complainant's images and informative or descriptive materials.

Having reviewed the record, 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 <tuff-athletics.com> be transferred to the Complainant.

/Syed Naqiz Shahabuddin/
Syed Naqiz Shahabuddin
Sole Panelist
Date: August 5, 2026