ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Uniek, Inc. v. 鲁旺龙
Case No. D2026-2736

1. The Parties

The Complainant is Uniek, Inc., United States of America ("United States"), represented by Quarles & Brady LLP, United States.

The Respondent is 鲁旺龙, China.

2. The Domain Name and Registrar

The disputed domain name <kateandlaurellife.com> is registered with Vantage of Convergence (Chengdu) Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 23, 2026. On June 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 25, 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 in English on June 30, 2026.

On June 25, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On June 30, 2026, the Complainant confirmed its request that English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on July 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 22, 2026.

The Center appointed Douglas Clark as the sole panelist in this matter on July 27, 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 active in the design, manufacture, and sale of home décor products. The Complainant owns, among others:

United States Trademark Registration No. 6,027,961 for KATE AND LAUREL, registered on April 7, 2020 in International Class 35; and

United States Trademark Registration No. 6,605,624 for KATE & LAUREL, registered on January 4, 2022 in International Classes 20, 21, and 24.

The Complainant's KATE & LAUREL brand was founded in 2015. The Complainant has used the KATE & LAUREL mark in commerce since at least September 24, 2015. The Complainant registered the domain name <kateandlaurel.com> on November 4, 2014 and operates its business online through that domain name.

The Respondent registered the disputed domain name on October 23, 2024. The disputed domain name resolved to a website displaying the Complainant's KATE & LAUREL marks and offering purported KATE & LAUREL-branded products for sale.

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 (i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and (iii) the Respondent registered and is using the disputed domain name in bad faith.

The Complainant submits that it has no affiliation with the Respondent, nor has it authorized the Respondent to register or use a domain name, which includes the Complainant's marks, and that the Respondent has no rights or legitimate interests in the registration of the disputed domain name. Rather, the Complainant contends that the Respondent has acted in bad faith in acquiring the disputed domain name, when the Respondent knew of the Complainant's rights.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that English be the language of the proceeding. No objection regarding the language was filed.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

In the present case, the Panel notes that the disputed domain name comprises the Complainant's KATE AND LAUREL trademark together with the English term "life". The Panel further notes that the website to which the disputed domain name resolved was in English, which supports the inference that the Respondent is familiar with the English language. The Respondent has not objected to the Complainant's request that English be the language of the proceeding.

Requiring the Complainant to translate the Complaint into Chinese would result in additional expense and delay.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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 3.1, section 1.7.

In the present case, the disputed domain name is confusingly similar to the Complainant's trademarks. The Panel finds that the disputed domain name incorporates the Complainant's KATE AND LAUREL trademark in its entirety. The addition of the term "life" does not prevent a finding of confusing similarity under the Policy.

The Complainant's trademark registrations are in the United States, whereas the Respondent appears to be located in China. It is nevertheless well established that a complainant is not required to hold trademark rights in the jurisdiction in which the respondent is located in order to satisfy paragraph 4(a)(i) of the Policy. This issue may, however, be relevant to the assessment of the second and third elements of the Policy.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The first element of paragraph 4(a) of the Policy has therefore 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.

The Panel further notes that UDRP panels have consistently held that the use of a domain name for illegal activity, including phishing, and passing off, can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.1. In the present case, the record supports a finding that the Respondent used the disputed domain name in a manner that falsely suggested an affiliation with, endorsement by, or connection to the Complainant. The Complainant also submitted evidence that a customer was misled into placing an order and making payment through the website associated with the disputed domain name and subsequently contacted the Complainant believing that website to be associated with the Complainant.

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 disputed domain names resolve to websites selling and offering products bearing the Complainant's Mark. It is not clear if these are counterfeit or not.

If genuine products, *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, the panel held that to be bona fide within the meaning of paragraph 4(c)(i) of the policy, the offering should meet the following requirements:

- The Respondent must actually be offering the goods or services at issue;

- The Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods;

- The site must accurately and prominently disclose the registrant's relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site; and

- The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

In this case the Respondent does not meet at least the third requirement set out above. The Complainant never consented to the Respondent's use of the Mark and logo. The websites under the disputed domain names do not accurately and prominently disclose the Respondent's relationship with the Complainant.

If counterfeit, panels have held that the use of a domain name for the sale of counterfeit goods 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

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel finds that the Respondent registered and used the disputed domain name in bad faith. The disputed domain name incorporates the Complainant's KATE AND LAUREL mark in its entirety together with the term "life". Given the manner in which it was used, the Panel finds that the Respondent was aware of the Complainant and its trademark rights when registering the disputed domain name.

The disputed domain name resolved to a website displaying the Complainant's KATE & LAUREL branding and offering purported KATE & LAUREL-branded products for sale. The website reproduced the Complainant's branding and product imagery in a manner that suggested a connection with the Complainant. The Complainant submitted evidence that a customer was misled into placing an order and making payment through the website associated with the disputed domain name, and subsequently contacted the Complainant believing that website to be associated with the Complainant. Such evidence of actual confusion further supports the Panel's finding that the disputed domain name was used to create a likelihood of confusion with the Complainant's mark for commercial gain within the meaning of paragraph 4(b)(iv) of the Policy.

UDRP panels have held that the use of a domain name for illegal activity, including phishing, and passing off, or other forms of fraud, constitutes evidence of bad faith. See WIPO Overview 3.1, sections 3.1.4 and 3.4.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith under paragraph 4(a)(iii) 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 <kateandlaurellife.com> be transferred to the Complainant.

/Douglas Clark/
Douglas Clark
Sole Panelist
Date: August 14, 2026