ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
A & D Spitz (Pty) Limited v. 黄保传 (huang baochuan)
Case No. D2026-2779

1. The Parties

The Complainant is A & D Spitz (Pty) Limited, South Africa, represented by Adams & Adams Attorneys, South Africa.

The Respondent is 黄保传 (huang baochuan), China.

2. The Domain Name and Registrar

The disputed domain name <carvela-southafrica.com> (the "Disputed Domain Name") is registered with Xin Net Technology Corporation (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 25, 2026. On June 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 30, 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 July 2, 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 in English on the same day.

On July 2, 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 the same day, the Complainant confirmed its request that English 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 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 in Chinese and English of the Complaint, and the proceedings commenced on July 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 7, 2026.

The Center appointed Peter J. Dernbach as the sole panelist in this matter on August 13, 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 South African company engaged in the retail of footwear, accessories, and clothing under the CARVELA brand, sold through its physical stores and e-commerce website at "www.spitz.co.za" (the "Complainant's Website").

The Complainant owns registered trademarks for the word mark CARVELA in multiple jurisdictions (the "CARVELA Mark(s)"). Such registrations in South Africa include:

- Application no. 1990/11117, registered on July 7, 1993, in class 25 in respect of "Clothing including boots, shoes and slippers";

- Application no. 2001/16486, registered on February 1, 2006, in class 9 in respect of "Optical devices, apparatus and instruments including spectacles, sunglasses, frames and lenses";

- Application no. 2006/31046, registered on April 20, 2010, in class 18 in respect of "Leather and imitations of leather, clothing and fashion accessories and other goods made of these materials and not included in other classes; animal skins, hides; bags; umbrellas, parasols and walking sticks; whips, harness and saddlery"; and

- Application no. 2007/10601, registered on August 1, 2012, in class 3 in respect of "Bleaching preparations and other substances for laundry use; cleaning, polishing, scouring and abrasive preparations; soaps; perfumery, essential oils, cosmetics, hair lotions; dentifrices".

The Disputed Domain Name was registered on May 26, 2026. It previously resolved to a website that appeared to offer shoes and footwear products under the CARVELA Mark, priced in South African Rand (ZAR) (the "Respondent's Website").

The Respondent, according to the Registrar, appears to be an individual located in China.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy, and requests that the Disputed Domain Name be transferred.

(i) The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant contends that the Disputed Domain Name is confusingly similar to its trademarks as the Disputed Domain Name wholly incorporates the CARVELA Mark. The Complainant also asserts that the addition of the "-southafrica" element is likely to cause Internet users to assume that the Disputed Domain Name is an extension of the Complainant's South African website. The generic Top Level Domain ("gTLD") ".com" can be disregarded for the purpose of determining similarity between the Disputed Domain Name and the Complainant's CARVELA Mark.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant asserts it has never authorized the Respondent to use the CARVELA Mark or established any relationship with the Respondent. There is no evidence showing that the Respondent is commonly known by the name "carvela" or that the Respondent has acquired any trademark or service mark rights in this mark. The Complainant contends that the Respondent's use of the CARVELA Mark on a website offering identical goods is deemed an infringement of both trademark and copyright and is therefore illegitimate. The Complainant argues that the Disputed Domain Name was registered specifically to mislead and divert consumers for commercial gain. Consequently, the Complainant maintains that a prima facie case exists showing the Respondent has no rights or legitimate interests.

(iii) The Disputed Domain Name has been registered and is being used in bad faith.

The Complainant contends that the Respondent must have been aware of the Complainant and the CARVELA Mark when registering the Disputed Domain Name, which wholly incorporates the Mark and adds the geographic term "South Africa"—the very territory in which the Complainant holds long-standing registered rights. The Disputed Domain Name linked to the Respondent's Website, which appears to have replicated the Complainant's Website layout, branding, and product offerings.

The Complainant asserts that the Respondent's Website is designed to pass off as the Complainant and in all likelihood amounts to phishing or fraud, deceiving consumers into believing they are purchasing genuine CARVELA products. The Complainant further asserts that the Respondent was using the Disputed Domain Name to capitalize on Internet users intending to visit the Complainant's Website, which use was taking unfair advantage of and detrimental to the distinctive character or repute of the CARVELA Marks.

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 Panel notes that the Complaint was filed in English. The Complainant requested that the language of the proceeding be English, noting that: (i) the Disputed Domain Name resolves to an English-language website; (ii) the Disputed Domain Name incorporates "South Africa", a country where English is the primary language for government, commerce, and media; (iii) the products on the Respondent's Website are priced in ZAR; and (iv) requiring translation into Chinese would impose unnecessary costs and delay.

The Respondent did not submit any comment on the Complainant's language request.

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).

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

In accordance with paragraph 4(a) of the Policy, in order to succeed in this administrative proceeding and obtain the requested remedy (in this case, transfer of the Disputed Domain Name), the Complainant must prove that each of the three following elements are present:

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) 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 3.1, section 1.7.

The Panel finds that the Complainant has shown rights in its CARVELA Marks for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel further finds that, since the CARVELA Mark is reproduced in its entirety within the Disputed Domain Name, the Disputed Domain Name is confusingly similar to the CARVELA Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

The addition of "southafrica" and a hyphen does not prevent a finding of confusing similarity for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The gTLD ".com" is viewed as a standard registration requirement and is disregarded in the assessment of confusing similarity. WIPO Overview 3.1, section 1.11.1.

Accordingly, 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.

The Panel considers that the composition of the Disputed Domain Name creates a risk of implied affiliation with the Complainant because it combines the Complainant's CARVELA Mark with "southafrica", where the Complainant has extensively used and registered that mark. WIPO Overview 3.1, section 2.5.1.

The Panel finds no evidence showing that the Respondent has been authorized or has any right to use the CARVELA Mark or that it has any rights in the CARVELA Mark. There is also no showing of any relationship or association between the Complainant and the Respondent, whether by license or otherwise.

The Panel finds no records showing that the Respondent, whose name is 黄保传 (huang baochuan) as disclosed by the Registrar, has been or is commonly known by the Disputed Domain Name or "carvela".

The Respondent's Website, to which the Disputed Domain Name resolved, displayed the CARVELA Mark and appeared to offer shoes and footwear products under the Mark, very likely in an attempt to misleadingly divert consumers to the Respondent's Website for commercial gain. This does not confer rights or legitimate interests on the Respondent, let alone be considered a bona fide offering of goods or services or legitimate noncommercial or fair use. Panels have held that the use of a domain name for illegitimate activity here, claimed 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.

Given the above, 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.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third element of the Policy, the complainant must demonstrate that the disputed domain name has been registered and is being used in bad faith. 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.

The Panel is convinced that the Respondent, at the time of registering the Disputed Domain Name, was aware of and intentionally targeted the Complainant and its CARVELA Marks, which long predate the Disputed Domain Name. This is evident from the fact that the Disputed Domain Name not only entirely reproduces the CARVELA Mark, followed by "-southafrica"—the very market where the CARVELA Marks are extensively used and the Complainant operates—but also was subsequently used to host the Respondent's Website, which displayed the CARVELA Mark and appeared to offer CARVELA footwear products for sale. Considering the foregoing, the Panel finds that the Disputed Domain Name has been registered in bad faith.

The Panel also finds bad-faith use of the Disputed Domain Name in the Respondent's Website, which appeared to sell shoes and footwear products under the CARVELA brand and priced in ZAR, as the genuine Complainant's Website does. The Panel views this as an intentional attempt to attract, for commercial gain, Internet users to the Respondent's Website by creating a likelihood of confusion with the Complainant's CARVELA Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website or of products thereon. WIPO Overview 3.1, section 3.1.4.

Consequently, 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 <carvela-southafrica.com> be transferred to the Complainant.

/Peter J. Dernbach/
Peter J. Dernbach
Sole Panelist
Date: August 27, 2026