ADMINISTRATIVE PANEL DECISION

Calvin Klein Trademark Trust, Calvin Klein, Inc. v. Domain Admin, Whoisprotection.cc
Case No. D2026-2820

1. The Parties

The Complainants are Calvin Klein Trademark Trust (the "First Complainant"), and Calvin Klein, Inc. ("the Second Complainant"), United States of America ("United States" or "US"), represented by Lipkus Law LLP, Canada.

The Respondent is Domain Admin, Whoisprotection.cc, Malaysia.

2. The Domain Name and Registrar

The disputed domain name <calvinkleinca.com> is registered with Dominet (HK) Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 29, 2026. On June 30, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 1, 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 (unavailable) and contact information in the Complaint. The Center sent an email communication to the Complainants on July 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on July 3, 2026.

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 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 July 30, 2026.

The Center appointed Levan Nanobashvili as the sole panelist in this matter on August 7, 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 First Complainant, Calvin Klein Trademark Trust, holds the trademark registrations for CALVIN KLEIN, a well-known fashion brand, on behalf of the beneficial owner, the Second Complainant, Calvin Klein, Inc. (hereinafter referred to collectively as the "Complainant").

The Complainant and its associated companies have been engaged in the production, sale, and licensing of men's and women's apparel, fragrances, accessories, and footwear under the CALVIN KLEIN mark globally since 1968. The Complainant and its associated companies have millions of customers worldwide and billions of US dollars in sales. Over the years, the Complainant has spent hundreds of millions of US dollars advertising and promoting CALVIN KLEIN branded products around the world, including in print, television, radio, and social media.

The Complainant owns numerous registrations worldwide for CALVIN KLEIN, including the following:

1) United States trademark CALVIN KLEIN (word), registration No. 1086041, registered on February 21, 1978, duly renewed, in International Class 25;

2) United Kingdom trademark CALVIN KLEIN (figurative), registration No. UK00001492382, registered on January 21, 1994, duly renewed, in International Class 25; and

3) European Union Trademark CALVIN KLEIN (figurative), registration No. 000617381, registered on January 29, 1999, duly renewed, in International Classes 9 and 25.

The Complainant holds various domain names incorporating the CALVIN KLEIN mark, including <calvinklein.com>, <calvinkleinbags.com>, <calvinkleinunderwear.com>, and <calvinkleinfashion.com>.

The disputed domain name was registered on October 29, 2025. At the time of filing of the Complaint and of the Decision, the disputed domain name resolves to an active website displaying the CALVIN KLEIN mark and offering various products under CALVIN KLEIN mark. The website is flagged as "Dangerous" by the Google Chrome browser.

The Respondent is reportedly located in Malaysia.

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) it has used CALVIN KLEIN mark since 1968 in connection with the advertising, offering for sale, and sale of various products in the United States and globally;

(ii) it has spent millions of US dollars in advertising and promoting its products under CALVIN KLEIN mark in a variety of media throughout the world, including print, television, radio, and social media;

(iii) its products are sold exclusively through the Complainant's own retail stores, outlet stores, and websites, including "www.calvinklein.com", as well as through authorized dealers such as Macy's, Neiman Marcus, Saks Fifth Avenue, and Bergdorf Goodman;

(iv) the disputed domain name is confusingly similar to the Complainant's mark;

(v) the use of the Complainant's mark in the disputed domain name, combined with the non-distinctive, geographically descriptive term "ca", is likely to confuse consumers into believing that the Respondent's website is affiliated with, sponsored by, or endorsed by the Complainant;

(vi) the disputed domain name was registered more than 50 years after the Complainant's adoption and use of the CALVIN KLEIN mark;

(vii) the Respondent was aware of the Complainant's mark prior to registering the disputed domain name, as the Complainant's websites were fully operational and publicly accessible at that time;

(viii) the Respondent has no affiliation with the Complainant and lacks any authorization, license, or consent to use the Complainant's registered mark or to register the disputed domain name incorporating it;

(ix) the goods offered and sold through the Respondent's website are not authorized by the Complainant; and

(x) the Respondent is attempting to attract and divert the Complainant's actual and potential customers to the Respondent's website for commercial gain by selling products bearing unauthorized reproductions of the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving that:

(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.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant. However, paragraph 5(f) of the Rules provides that if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel shall draw such inferences from the Respondent's failure to submit a Response as it considers appropriate.

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 the 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 confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms, in the present case the "ca" term, may bear on assessment of the second and third elements, the Panel finds the addition of this 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. See also *Dansko, LLC v. Demi King, Demi King*, WIPO Case No. D2025-1657

The addition of the generic Top-Level Domain ".com" is a standard registration requirement and, as such, is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

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 Respondent provided no evidence that it has been commonly known by the disputed domain name, or has made a legitimate noncommercial use thereof. The Respondent has not rebutted the Complainant's contention that it has not authorized the Respondent to use the Complainant's mark, or that there is no relationship between them that could justify the Respondent's use of the Complainant's mark in the disputed domain name.

The Respondent has failed to rebut the Complainant's assertion that the goods offered for sale on the Respondent's website are unauthorized. Notwithstanding the Respondent's default, the Panel will proceed to analyze the circumstances under the Oki Data Test to assess whether the Respondent holds a right or legitimate interest in the disputed domain name.

According to a consensus view among UDRP panels, resellers using a domain name containing a complainant's trademark to undertake sales related to the complainant's goods may be making a bona fide offering of goods and thus have a legitimate interest in such a domain name. WIPO Overview 3.1, section 2.8.1. Outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903 (the "Oki Data Test"), the following cumulative requirements will be applied in the specific conditions of a UDRP case:

(i) the respondent must actually be offering the goods at issue;
(ii) the respondent must use the site to sell only the trademarked goods;
(iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
(iv) the respondent must not try to "corner the market" in domain names reflecting the trademark.

The Panel finds that the Respondent fails to satisfy at least the third requirement of the Oki Data Test. The evidence on file confirms the absence of a clear and prominent disclaimer on the Respondent's website. The absence of such a disclosure regarding the Respondent's lack of affiliation with the Complainant is likely to cause consumers to erroneously believe the site is the official outlet or an authorized dealer of the Complainant. This failure to disclose information as to lack of relationship with the Complainant amounts to a breach of the third requirement of the Oki Data Test.

Accordingly, the Panel finds that the requirements of the Oki Data Test are not satisfied in the present case.

The Panel notes that attempting to purchase any item on the Respondent's website triggers a 'Dangerous' security warning in the Google Chrome browser. Panels have categorically held that the use of a domain name for illegal activity, in the present case, the potential exposure of users to phishing and malware risks, 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.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Panel finds that the dominant element of the disputed domain name corresponds to the Complainant's mark, and the additional term "ca", which is the country code Top-Level Domain for Canada, may suggest that the disputed domain name belongs to the Complainant's Canadian subsidiary, and carries a risk of implied affiliation.

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.

Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark, panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark. WIPO Overview 3.1, section 3.2.2. In the present case, the composition of the disputed domain name (differing from the Complainant's mark only by the addition of the "ca" term) suggests that the Respondent was aware of and intended to target the Complainant's mark. This finding is reinforced by the fact that on its website the Respondent offers for sale products bearing the Complainant's mark.

The Panel notes that the Complainant's trademark use significantly predates the registration of the disputed domain name. The evidence on file shows that the Complainant adopted the CALVIN KLEIN mark in 1968. The disputed domain name was registered in 2025. A gap of more than 50 years between adoption of the Complainant's mark and the Respondent's registration of the disputed domain name containing the mark at issue can indicate the bad faith registration. See *Hunza G Limited v. Nikos Kalouris,* WIPO Case No. D2025-3956 and *Hi-TEC Sports International Holdings B.V. v. Thomas Birch, Finlay Nolan, Anna Akhtar, Tyler Reynolds, Keira Donnelly*, WIPO Case No. D2024-1891.

A significant number of panels have consistently found that the Complainant's CALVIN KLEIN mark is widely known. See *Calvin Klein Trademark Trust, and Calvin Klein, Inc. v. Serna Sabra*, WIPO Case No. D2023-3200: "Complainant has been using its CALVIN KLEIN trademark for over 50 years, and it has become established as an internationally well-known fashion brand"; *Calvin Klein Trademark Trust and Calvin Klein Inc. v. 朱人杰 (Zhu renjie)*, WIPO Case No. D2022-2591: "the CALVIN KLEIN mark is a famous mark"; and *Calvin Klein Trademark Trust, Calvin Klein Inc. v. WhoisGuard, Inc. / Vladimir Pulek,* WIPO Case No. D2020-3437: "the Complainant's Calvin Klein Mark is internationally well recognized."

Panels have consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

Pursuant to paragraphs 10 and 12 of the Rules, the Panel undertook limited independent factual research on the Respondent's website. The Panel may undertake limited factual research into matters of public record if such information is useful to assessing the case merits and reaching a decision. WIPO Overview 3.1, section 4.8. The Panel's attempt to access the Respondent's website resulted in a browser-based security alert warning of potential phishing and malware risks.

Panels have held that the use of a domain name for illegitimate activity, in the present case, potentially phishing and malware distribution, constitutes bad faith. WIPO Overview 3.1, section 3.4.

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 <calvinkleinca.com> be transferred to the Complainant.

/Levan Nanobashvili/
Levan Nanobashvili
Sole Panelist
Date: August 19, 2026