

ADMINISTRATIVE PANEL DECISION

AMX Global, Inc v. David Sokolov
Case No. D2026-2860

1. The Parties

The Complainant is AMX Global Inc, United States of America ("United States"), represented by Gavrilov & Brooks, United States.

The Respondent is David Sokolov, Ukraine.

2. The Domain Names and Registrar

The disputed domain names <black-sierra.com> and <theblacksierra.com> are registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 30, 2026. On July 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 3, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 7, 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 July 10, 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 July 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 20, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on August 25, 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.

On August 28, 2026, the Panel issued a Procedural Order by which it invited the Complainant to submit evidence substantiating its claimed first use in commerce of the BLACK SIERRA EQUIPMENT mark from October 2017 (or such other date as may be supported by the evidence) in light of the date of registration of the disputed domain names, and providing the Respondent an opportunity to respond to such new evidence as might be furnished by the Complainant. The Complainant made a submission, with accompanying exhibits, on September 4, 2026, two days after the original due date of September 2, 2026, explaining that it needed more time to locate old documents to answer the Procedural Order. The Panel decided to allow the Complainant's submission into the record and to also allow the Respondent two additional days to provide any comments. The Respondent did not provide any responsive submission.

4. Factual Background

The Complainant is a United States company that manufactures and sells outdoor equipment. The Complainant has registered the following marks consisting of or including BLACK SIERRA EQUIPMENT, namely the United States registration No. 8,232,139 for BLACK SIERRA EQUIPMENT (figurative), registered on April 28, 2026 and filed on November 14, 2025, for classes 11, 18, 20, 21, 22 and 24 (claiming first use from October 14, 2017) and the United States registration No. 8,232,155 for BLACK SIERRA EQUIPMENT (word), registered on April 28, 2026 and filed on November 19, 2025, for classes 11, 18, 20, 21, 22 and 24 (claiming first use from October 14, 2017).

Responding to the Procedural Order No. 1, the Complainant submitted evidence of the sale of goods under the brand BLACK SIERRA EQUIPMENT dating back to 2018 (purchase orders for the sale of a substantial quantity of products, including one dated May 16, 2018, in an amount of over USD 100,000, several inspection reports dated 2018 with pictures displaying the Complainant's products and its trademark and logo). Further, an Internet search locates the Complainant at the domain name <amxglobalinc.com>, that leads for the Complainant's BLACK SIERRA EQUIPMENT goods to <blacksierraequipment.com>.¹

There is no information about the Respondent apart from the fact that he is based in Ukraine.

The disputed domain name <black-sierra.com> was registered on May 28, 2024, and it resolves to an English-language website preeminently displaying the Complainant's BLACK SIERRA EQUIPMENT trademark and logo, a similar color scheme with that on the Complainant's website at "blacksierraequipment.com", displaying the Complainant's branded products, and claiming to be "Black Sierra, Outdoor Equipment Manufacturer". The links to the products displayed on the website at the <black-sierra.com> disputed domain name redirect to a third party sales page and at the bottom of the website at this disputed domain name, it mentioned that "Black Sierra (black-sierra.com) is a participant in the [...] Associates Program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to [...]com".

The disputed domain name <theblacksierra.com> was registered on November 10, 2025, and it resolves to an English-language website preeminently displaying the Complainant's BLACK SIERRA EQUIPMENT trademark and logo, a similar color scheme with that on the Complainant's website at "blacksierraequipment.com", displaying the Complainant's branded products, and claiming to be "Black Sierra, Outdoor Equipment Manufacturer".

¹Under 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.

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 names.

Notably, the Complainant contends that the disputed domain names wholly incorporate the dominant and distinctive terms "black sierra" from the Complainant's mark BLACK SIERRA EQUIPMENT. The omission of the descriptive or nondominant term "equipment" does not avoid a finding of confusing similarity. The insertion of a hyphen between "black" and "sierra" in the disputed domain name <black-sierra.com>, respectively the incorporation of "the" at the beginning of the disputed domain name <theblacksierra.com> does not distinguish the disputed domain names from the Complainant's mark.

As regards the second element of the Policy, the Complainant argues that the disputed domain names resolve to content that provides identical websites that (a) display the Complainant's mark, and (b) mimic the Complainant's branding to attract traffic without offering any independent, bona fide goods or services of the Respondent. The websites to which the disputed domain names resolve display items that appear to be for sale, but purchasing functions are disabled or nonfunctional, creating a negative impression of abandoned or sham commerce rather than a legitimate business. This conduct does not constitute a bona fide offering. Further, the Complainant argues that the Respondent's use is commercial in nature and aimed at exploiting the Complainant's trademark reputation. Even if the websites were to display minimal content, the selection of domains identical or confusingly similar to the Complainant's mark, paired with traffic-diversion, defeats any claim of fair or noncommercial use.

With respect to the third element of the Policy, the Complainant contends that the selection of domain names that reproduce the Complainant's distinctive mark without authorization, in combination with websites' content referencing the Complainant's branded products and displaying the Complainant's design mark, evidences an intent to interfere with and disrupt the Complainant's established business and customer relationships.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that the proceeding should continue. The record shows that the Center sent notification of the Complaint to the Respondent by email, courier, and through a contact form available at the disputed domain names. Although some of the emails bounced back as being undeliverable, other emails sent to the email addresses provided by the Registrar for the Respondent appear to have been received. The Center's notification in postal form sent to the Respondent's mailing address as disclosed by the Registrar is reported to have been registered for collection

in Ukraine on August 11, 2026. However, the record shows the delivery as unsuccessful because the recipient was not present.

In any case, the Respondent registered the disputed domain names on May 28, 2024, and on November 10, 2025, more than two, respectively three years, after the onset of the international conflict, and thus appears capable of controlling both the disputed domain names and its content, given also the apparent recent change in the content of one of the disputed domain names after the filing of the Complaint. Moreover, the websites hosted at both disputed domain names are in English and display a location address in the United States, as well as opening hours of the business, suggesting its location is 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 names. See for a similar finding, *Apex Brands, Inc. v. David Sokolov*, WIPO Case No. [D2026-2439](#).

In any event, the Center has fulfilled its notice obligations under the Rules and the Panel is satisfied that the Respondent has been given a fair opportunity to present its case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

6.2. Substantive Matters

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Likewise, paragraph 10(d) of the Rules, provides that “the Panel shall determine the admissibility, relevance, materiality and weight of the evidence”.

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant’s contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain names are 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 names, and (iii) the disputed domain names have been registered and are being used in bad faith.

The applicable standard of proof in UDRP cases is the “balance of probabilities” or “preponderance of the evidence”, and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Select UDRP Questions, (“[WIPO Overview 3.1](#)”), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.1](#), section 4.3.

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 names. [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 Panel finds that the distinctive part of the Complainant’s trademark is reproduced within the disputed domain names, with “equipment” being removed in the disputed domain names. While the addition of other terms here, “the”, in the disputed domain name <theblacksierra.com>, and a hyphen in the disputed domain name <black-sierra.com>, 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 names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

It is well established that the generic Top-Level Domain (“gTLD”), in this case “.com”, does not affect the disputed domain name for the purpose of determining whether it is identical or confusingly similar. [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, the disputed domain names are confusingly similar to the Complainant’s mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 names. The Respondent has not submitted any Response to rebut the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in paragraph 4(c) of the Policy or otherwise.

The Respondent is not affiliated with the Complainant and has not been authorized, licensed, or otherwise permitted to use the Complainant’s BLACK SIERRA EQUIPMENT mark or variations thereof. Also, there is no evidence that the Respondent is commonly known by the disputed domain names within the meaning of paragraph 4(c)(ii) of the Policy.

According to the case file, the disputed domain names are used in connection to websites preeminently displaying the Complainant’s BLACK SIERRA EQUIPMENT trademark and logo, a similar color scheme with that on the Complainant’s website at “blacksierraequipment.com”, displaying the Complainant’s branded products, and claiming to be “Black Sierra, Outdoor Equipment Manufacturer”. There is no disclaimer of affiliation between the Respondent and the Complainant. Such use creates a false impression of affiliation with the Complainant and does not constitute a bona fide offering of goods or services.

Panels have consistently held that the use of a domain name for passing off, or other deceptive conduct, can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.1](#), section 2.13.1).

Under the above circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

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.

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by the complainant. The Panel considers that this is the case here. The disputed domain names are confusingly similar to the Complainant's mark, and according to the record they were registered later than the Complainant's first use of the BLACK SIERRA EQUIPMENT mark in commerce. As such, following the Panel's Procedural Order No. 1, as noted in the Factual Background section above, the Complainant submitted evidence of first use in commerce and the Panel is satisfied that the Complainant held rights in the trademark BLACK SIERRA EQUIPMENT before the registration of the disputed domain names. Further, the Internet Archive captures of the Complainant's website at "amxglobalinc.com", corroborate the Complainant's evidence that its use of the BLACK SIERRA EQUIPMENT mark predates the registration date of the disputed domain names by some years, the earliest relevant capture available being November 26, 2021.²

Moreover, the Respondent used the disputed domain names to host websites preeminently displaying the Complainant's BLACK SIERRA EQUIPMENT trademark and logo, a similar color scheme with that on the Complainant's website at "blacksierraequipment.com", displaying the Complainant's branded products, and claiming to be "Black Sierra, Outdoor Equipment Manufacturer", which clearly indicates that the Respondent was aware of the Complainant and its trademarks at the time of registration of the disputed domain names and was trying to pass itself off as being connected with the Complainant. A further indication in this sense is that even if the Respondent appears to be located in Ukraine, the physical address displayed on the websites at the disputed domain names is in the United States, where the Complainant is located.

Panels have consistently held that the use of a domain name for passing off, or other deceptive conduct, constitutes evidence of bad faith under the Policy ([WIPO Overview 3.1](#), section 3.4). In the circumstances of this case, the Panel finds that the Respondent intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainant's BLACK SIERRA EQUIPMENT trademark as to the source, sponsorship, affiliation, or endorsement of the website. Such conduct constitutes evidence of bad faith under paragraph 4(b)(iv) of the Policy.

Also, there appears to be a pattern of abusive registrations by the Respondent,³ as the Respondent was involved in at least two previous UDRP proceedings where similar facts caused the concerned UDRP panel to decide in favor of the same complainant (See *ATG Ceylon (Pvt) Limited v. David Sokolov*, WIPO Case No. [D2026-1871](#) and *Apex Brands, Inc. v. David Sokolov*, supra). This fact also supports a finding grounded on paragraph 4(b)(ii) of the Policy, referring to a respondent registering "the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct".

The Panel finds the third element of the Policy has been established.

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 names <black-sierra.com> and <theblacksierra.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: September 11, 2026

²Under 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 3.1](#), section 4.8.

³ Idem.