

## **ADMINISTRATIVE PANEL DECISION**

Ziwi Limited v. jian feng  
Case No. D2026-3016

### **1. The Parties**

Complainant is Ziwi Limited, New Zealand, represented by James & Wells Lawyers New Zealand Limited, New Zealand.

Respondent is jian feng, China.

### **2. The Domain Name and Registrar**

The disputed domain name <ziwipetsus.com> (the “Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 9, 2026. On July 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 13, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on July 13, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on July 16, 2026.

On July 13, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Domain Name is Chinese. On July 16, 2026, Complainant confirmed its request that English be the language of the proceeding. Respondent did not submit any comment on 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 Respondent in Chinese and English of the Complaint, and the proceedings commenced on July 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 6, 2026.

The Center appointed Kimberley Chen Nobles 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**

Founded in 2002, Complainant produces and sells pet food globally, including China, United States of America ("United States" or "US") and Australia. In 2021, a China-based private equity firm acquired Complainant. At the time, the Complainant was distributing its products to over 30 countries, including China, the United States, and Australia, with sales of approximately NZD 50 million (USD 35 million) annually. Complainant now exports its products to 13 countries including New Zealand and has a presence in 35 countries, with 300 employees.

Complainant owns numerous registered trademarks for the ZIWI mark, either alone or in combination with other terms, including:

- International registered trademark number 1320191 for the ZIWI word mark, registered on September 14, 2016;
- New Zealand registered trademark number 1039356 for the ZIWI word mark, registered on September 20, 2016;
- Hong Kong, China registered trademark number 303742885 for the ZIWI word mark, registered on April 13, 2016;
- United States registered trademark number 5225500 for the ZIWI word mark, registered on June 20, 2017;
- Australia registered trademark number 1014952 for the ZIWIPEAK word mark, registered on August 9, 2004; and
- New Zealand registered trademark number 1194395 for the ZIWIPEAK word mark, registered on August 2, 2022.

Complainant also owns several domain and subdomain names incorporating the ZIWI mark, including: <ziwipets.com> registered on April 25, 2016 – which is Complainant's primary business website, <ziwipets.nz> registered on April 25, 2016, <ziwipets.co.nz>, registered on April 25, 2016 and <us.ziwipets.com>, used by Complainant since May 1, 2023.

The Domain Name was registered on January 18, 2026 and resolves to a website prominently displaying Complainant's mark, and purportedly offering Complainant's goods for sale.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademark; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for ZIWI and that Respondent registered and is using the Domain Name, with the intention to confuse Internet users looking for Complainant's bona fide and well-known services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Specifically, Complainant argues that Respondent used the Domain Name to impersonate or pose as Complainant, so as to deceive Internet users into believing that its website is operated by or associated with Complainant.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Language of the Proceedings**

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint and amended Complaint in English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Chinese.

Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Domain Name includes only Latin characters; the website to which the Domain Name had content in English; that English is the most widely spoken language worldwide; further, that it would be unduly expensive and burdensome, and cause unwarranted delay, to require Complainant to translate the Complaint into Chinese or to conduct the proceedings in Chinese.

Respondent did not comment on Complainant's request for the language of the proceedings be English.

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 3.1](#)), section 4.5.1).

The Panel accepts Complainant's submissions regarding the language of the proceeding. The Panel notes that the Domain Name does not have any specific meaning in the Chinese language, and that the Domain Name is formed using Latin characters, contains Complainant's ZIWI trademark in its entirety. The Domain Name resolves to a website in English. The Panel further notes that the Center notified the Parties in Chinese and English of the language of the proceeding as well as notified Respondent in Chinese and English of the Complaint. Respondent chose not to comment on the language of the proceeding, nor did Respondent choose to file a Response in Chinese or English.

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

## 6.2 Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the [WIPO Overview 3.1](#) states that failure to respond to complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

### A. Identical or Confusingly Similar

Complainant has provided evidence of its rights in the ZIWI trademark, as noted above. Complainant has therefore proven that it has the requisite rights in the ZIWI trademarks.

With Complainant's rights in the ZIWI trademark established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain in which it was registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's ZIWI trademark. The ZIWI trademark is recognizable in the Domain Name. The addition of the term "pets" and geographical term "us" after Complainant's ZIWI trademark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the ZIWI trademark. See section 1.8 of the [WIPO Overview 3.1](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

### B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its ZIWI trademark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the ZIWI trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the ZIWI trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, the record shows that the Domain Name resolved to a website that imitated Complainant's genuine ZIWI website located at the domain name

<ziwipets.com>, displaying Complainant's ZIWI marks, featuring a copyright notice using Complainant's ZIWI marks, purportedly promoting and offering Complainant's goods for sale.

UDRP panels have consistently held that use of a domain name for illegal activity — such as passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered 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; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the ZIWI trademark predate the registration of the Domain Name. Complainant is also well established and known; indeed, the record shows that Complainant's ZIWI trademark and related products and services are known and recognized for purposes of the Policy. In addition, the Domain Name not only includes Complainant's ZIWI trademark in its entirety, but also includes the term “pets” — referring to Complainant's pet food products and the geographical term “us” — generally known to be an abbreviation for “United States”. Complainant also owns and operates its main website at the domain name <ziwipets.com>. Therefore, and also noting the use analysis below, Respondent was clearly aware of the ZIWI Complainant's ZIWI trademark.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Moreover, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for bona fide and well-known ZIWI products and services of Complainants. In particular, at the time of filing of the Complaint, the record shows that the Domain Name resolved to a website that imitates Complainant's

genuine ZIWI website located at the domain name <ziwipets.com>, displaying Complainant's ZIWI marks and featured a copyright notice using Complainant's ZIWI marks, promoting and offering Complainant's goods for sale.

Therefore, by using the Domain Name featuring Complainant's trademarks, and then further to promote the purported Complainant's products using images apparently copied from Complainant's website, as shown by evidence in the record - to induce members of the public to pay for such products, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website by creating a likelihood of confusion with Complainant's ZIWI marks as to the source, sponsorship, affiliation, or endorsement of Respondent's website.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant, as here, constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#).

At the time of the Decision, the Domain Name resolves to an error page, which would not prevent a finding of bad faith under the circumstances of this case. [WIPO Overview 3.1](#), section 3.3.

Finally, the Panel also notes the failure of Respondent to submit a response, which may be further evidence of Respondent's bad faith. In the present circumstances, considering the reputation of the ZIWI trademark, and the use of the Domain Name, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <ziwipetsus.com> be transferred to Complainant.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: August 11, 2026