

ADMINISTRATIVE PANEL DECISION

Spencer Gifts LLC v. hang yue
Case No. D2026-3099

1. The Parties

The Complainant is Spencer Gifts LLC, United States of America (“United States”), represented by Neal & McDevitt, United States.

The Respondent is hang yue, China.

2. The Domain Name and Registrar

The disputed domain name <spiritschristmas.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 14, 2026. On July 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (Dynadot Privacy Service / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 18, 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 August 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 7, 2026.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on September 9, 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 retailer specializing in a broad range of goods and other items. Since September 2005 the Complainant's affiliate company Spirit Halloween Superstores LLC has operated the seasonal "pop-up" Spirit Halloween stores, having in 2024 launched pop-up stores branded as Spirit Christmas to sell seasonal Christmas-themed goods in a format matching its Spirit Halloween stores.

The Complainant also operates websites that market and promote the goods and services offered under both the Spirit Halloween and Spirit Christmas brands, using the domain names <spirithalloween.com> and <spiritchristmas.com>, respectively.

The Complainant is the owner of the following, amongst others, trademark registrations:

- United States registration No. 7,789,111 for the word mark SPIRIT CHRISTMAS, registered on May 6, 2025, claiming first use in commerce on October 17, 2024, in class 35; and
- United States registration No. 7,968,603 for the word and device mark SPIRIT CHRISTMAS, registered on September 30, 2025, claiming first use in commerce on October 17, 2024, in class 35.

The disputed domain name was registered on September 8, 2025, and presently resolves to an online shop reproducing the Complainant's trademarks and logo. There is also a message stating that the disputed domain name is for sale and which, once clicked, redirects the Internet user to Sedo.com, where the disputed domain name is listed for sale for USD 1,500.

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 asserts that this is a typical typosquatting case given the entire reproduction of the Complainant's SPIRIT CHRISTMAS trademark with the addition of a letter "s" which does not avoid a finding of confusing similarity therewith.

The Complainant further submits that the Respondent has no rights or legitimate interests in respect to the disputed domain name given that:

- a) there has never been any relationship between the Complainant and the Respondent that would give rise to any license, sponsorship, permission or authorization for the Respondent to use or register the disputed domain name;
- b) the Complainant has not authorized the Respondent to use the SPIRIT CHRISTMAS trademark in a domain name, at any website, or for any other purpose;
- c) the Respondent is not using the disputed domain name in connection with a legitimate noncommercial or fair use;
- d) the Respondent is using the disputed domain name to impersonate the Complainant; and
- e) the Respondent is not commonly known by the disputed domain name.

The Complainant also asserts that the disputed domain name was registered and is being used in bad faith given the impersonation of the Complainant taking place at the website available at the disputed domain name which reproduced the Complainant's logo, purportedly offering similar goods of the Complainant. In addition to that, the Respondent, hiding behind a privacy shield, also seeks to sell the disputed domain name for an amount that far exceeds the costs involved in its registration.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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 Complainant must prove in this administrative proceeding that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

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 a trademark or service 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 a letter "s" may bear on assessment of the second and third elements, the Panel finds the addition of such letter 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.

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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent, known as "hang yue", who has not been commonly known by the disputed domain name and the Respondent is neither authorized, licensed, nor been allowed to use the Complainant's trademark, whether in the disputed domain name, or in any other way. Further, the disputed domain name has been actively used in connection with a webpage purportedly offering competing products and impersonating the Complainant, as well as offering the disputed domain name for sale. In addition, the case record does not show that the Respondent has any registered trademarks corresponding to the disputed domain name which further corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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.

This case presents the following circumstances which indicate on the balance of probabilities bad faith registration and use of the disputed domain name:

- a) the Respondent has provided no evidence of any actual or contemplated good faith use by it of the disputed domain name;
- b) the webpage available at the disputed domain name seeks to impersonate the Complainant, reproducing the Complainant's logo and purportedly offering competing goods;
- c) the disputed domain name is listed for sale for USD 1,500 on the associated website and which indicates an amount most likely in excess of the Respondent's out-of-pocket costs directly related to registration of the disputed domain name; and
- d) the disputed domain name consists of the entirety of the Complainant's SPIRIT CHRISTMAS trademark, with a minor addition of a letter "s" thus carrying a high risk of implied affiliation.

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 <spiritschristmas.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: September 16, 2026