

ADMINISTRATIVE PANEL DECISION

The Pencil Grip, Inc. v. Maymunah Maymunah
Case No. D2026-3210

1. The Parties

Complainant is The Pencil Grip, Inc., United States of America (“United States”), represented by The Rubin Firm, United States.

Respondent is Maymunah Maymunah, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <the-pencil-grip.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 21, 2026. On July 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 23, 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 (Redacted for Privacy, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on July 23, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 28, 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 Respondent of the Complaint, and the proceedings commenced on August 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 23, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 24, 2026.

The Center appointed James Bridgeman SC as the sole panelist in this matter on September 1, 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

Complainant is a provider of writing products to which the THE PENCIL GRIP mark is applied and is the owner of United States registered trademark THE PENCIL GRIP and design, registration number 2,619,877, registered on the Principal Register on September 17, 2002, for goods in international class 16.

Complainant has an established Internet presence and maintains the domain name <thepencilgrip.com> which has been used to redirect users to its official website. Complainant is currently rebranding its offering, and is using its domain name <thepencilgrip.com> to redirect to its new rebranded website at “www.tpgcreations.com”.

The disputed domain name was registered on July 30, 2025, and resolves to a website that prominently displays Complainant’s THE PENCIL GRIP trademark, reproduces Complainant’s products and product images, and redirects consumers to third-party commercial websites.

There is no information available about Respondent except for that provided in the Complaint as amended, the Registrar’s Whols, and the information provided by the Registrar in response to the request by the Center for details of the registration of the disputed domain name.

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 it has registered trademark rights in THE PENCIL GRIP based on its ownership of the United States registered trademark described above and, furthermore that it has an established goodwill in the mark through its continuous use in commerce since at least January 1992 in connection with its goods, including on its official website at “www.thepencilgrip.com”.

It is submitted that through long and continuous use THE PENCIL GRIP has become distinctive and closely associated with Complainant and its products, and Complainant has developed a substantial goodwill and consumer recognition in the mark.

Complainant firstly alleges that the disputed domain name is confusingly similar to Complainant’s THE PENCIL GRIP trademark because it wholly incorporates the trademark and differs only through the insertion of hyphens between the words comprising the trademark.

Complainant argues that these minor punctuation changes do not meaningfully distinguish the disputed domain name from Complainant’s trademark and are insufficient to avoid a finding of confusing similarity under the Policy.

Secondly Complainant alleges that Respondent has no rights or legitimate interests in the disputed domain name arguing that:

- Respondent is not affiliated with Complainant and has never been licensed, authorized, or otherwise permitted to use THE PENCIL GRIP or any confusingly similar variation;

- there is no evidence that Respondent has ever been commonly known by “The Pencil Grip” or the disputed domain name;
- there is no evidence that Respondent owns trademark rights corresponding to the disputed domain name;
- Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services;
- as shown in the screen capture exhibited in an annex to the Complaint, the website to which the disputed domain name resolves displays a counterfeit rendition of Complainant’s trademark and reproduces Complainant’s products and product images.
- Respondent’s website presents itself in a manner intended to cause consumers to believe that they are visiting Complainant’s official website;
- the website redirects consumers to third-party commercial websites, including Amazon product listings, in an attempt to profit from the goodwill associated with Complainant’s trademark;
- Respondent’s conduct is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use under the Policy; and
- Respondent’s unauthorized use of Complainant’s trademark, branding, goodwill, and product imagery demonstrates that Respondent lacks rights or legitimate interests in the disputed domain name.

Thirdly, Complainant argues that the disputed domain name was registered and is being used in bad faith arguing that Complainant’s rights in THE PENCIL GRIP mark had existed for many years before the registration of the disputed domain name on July 30, 2025. Complainant’s federal trademark registration was issued in 2002 and became incontestable, and Complainant has continuously used THE PENCIL GRIP as a trademark in commerce since at least January 1992.

Furthermore, Complainant contends that Respondent deliberately selected the disputed domain name which differs from Complainant’s trademark and official domain name only through the insertion of hyphens between the words comprising THE PENCIL GRIP and argues that this deliberate imitation demonstrates Respondent’s knowledge of Complainant and its trademark rights at the time of registration.

Referring to a screen capture of the website to which the disputed domain name resolves which is exhibited in an annex to the Complaint, Complainant submits that it prominently displays a counterfeit version of Complainant’s trademark, reproduces images of Complainant’s products, and creates the false impression that the website is operated, sponsored, affiliated with, or endorsed by Complainant.

Furthermore, it is argued that consumers visiting the website are then redirected to third-party commercial websites, including Amazon product listings, as shown in screen captures exhibited in the annexes to the Complaint.

Complainant adds that by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement of the resolving website, Respondent intentionally attempts to attract Internet users for commercial gain, and such conduct constitutes evidence of bad faith under Paragraph 4(b)(iv) of the Policy. Furthermore, it is argued that Respondent’s use of Complainant’s mark within the disputed domain name in this manner also constitutes trademark infringement, false designation of origin, unfair competition, passing off, and misappropriation of Complainant’s goodwill.

In conclusion, Complainant adds that to the extent Respondent has copied Complainant’s copyrighted photographs, graphics, text, or website content, such conduct additionally constitutes copyright infringement.

B. Respondent

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

6. Discussion and Findings

6.1. Procedural Issues

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 Respondent disclosed by the Registrar, the registrant of the disputed domain name, 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 it should. The Panel notes that the disputed domain name was registered on July 30, 2025, that is during the above-referenced international conflict. The Panel has no doubts – for the reasons set out later in this Decision – that the Respondent registered and has been using the disputed domain name in bad faith. These facts and circumstances suggest that the Respondent maintained access to the Internet and had control over the disputed domain name. The Panel also notes that the Complaint, together with the amendment to the Complaint, were delivered to Respondent's email address, as provided by the Registrar.

Having considered all the circumstances of the case the Panel concludes that the registrant of the disputed domain name who is allegedly located in Ukraine has been given a fair opportunity to present its case and so that the administrative proceeding takes place with the due expedition the Panel will proceed to a Decision accordingly.

6.2. Substantial Issues

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.

The addition of the hyphens between the words that constitute Complainant's mark 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.

Panels have held that the use of a domain name for illegitimate activity applicable to this case can never confer rights or legitimate interests on a respondent. As shown in the screen capture exhibited in an annex to the Complaint the website to which the disputed domain name resolves displays a similar version Complainant’s trademark and logo and reproduces Complainant’s products and product images. Respondent’s website presents itself in a manner intended to cause consumers to believe that they are visiting Complainant’s official website and redirects consumers to third-party commercial websites, including Amazon product listings, in an attempt to profit from the goodwill associated with Complainant’s trademark; [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 Complainant’s federal trademark registration was issued in 2002, remains valid to this day, and Complainant used THE PENCIL GRIP as a trademark in commerce since at least January 1992, and continues to use it in the Internet address “www.thepencilgrip.com” to redirect traffic to its rebranded website at “www.tpgcreations.com”, whereas the disputed domain name which is almost identical to Complainant’s mark was not registered until July 30, 2025.

On the balance of probabilities, the disputed domain name was chosen and registered with the Complainant’s mark in mind in order to target and take advantage of the goodwill and reputation that the Complainant had established in the mark.

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.

Panels have held that the use of a domain name for illegitimate activity, here, claimed to be redirecting users to third party offerings of competing products and/or mimicking the Complainant’s website constitutes bad faith.

The exhibited screen capture of the website to which the disputed domain name resolves which is exhibited in an annex to the Complaint shows that Respondent is using the disputed domain name as the address of Respondent’s website on which Respondent is using Complainant’s mark and copyright images of Complainant’s products, passing off its goods as those of Complainant. Having reviewed the record, the

Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. [WIPO Overview 3.1](#), section 3.4(iv).

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 <the-pencil-grip.com> be transferred to the Complainant.

/James Bridgeman/

James Bridgeman

Sole Panelist

Date: September 9, 2026