

ADMINISTRATIVE PANEL DECISION

Delk Industries, Inc. v. zhang san
Case No. D2026-3265

1. The Parties

The Complainant is Delk Industries, Inc., United States of America (“United States”), represented by Hankin Patent Law, APC, United States.

The Respondent is zhang san, China.

2. The Domain Name and Registrar

The disputed domain name <frostguardstore.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 23, 2026. On July 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 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 Services LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 4, 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 amended Complaint on August 8, 2026. At the request of the Center, the Complainant submitted two missing annexes on August 11, 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 August 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 4, 2026.

The Center appointed Mladen Vukmir 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 privately held consumer products company based in Nashville, Tennessee, United States, which manufactures and sells automotive windshield screens and covers under the FROSTGUARD brand.

The Complainant is the owner of several FROSTGUARD and FROST GUARD trademarks registered in the United States, including FROSTGUARD (word) Registration No. 4481251 registered on February 11, 2014, for goods in Class 12 of International Classification ("IC"), FROST GUARD (word) Registration No. 4707746 registered on March 24, 2015, for goods in Class 12 of IC, and FROST GUARD (figurative) Registration No. 4964641 registered on May 24, 2016, for goods in Class 12 of IC (the "FROSTGUARD trademarks").

According to the Complaint, the Complainant does not operate its own FROSTGUARD branded consumer website and does not sell directly to consumers from its own website; its products are distributed through third-party retailers, including Walmart, Ace Hardware, QVC, and Costco. The Complainant acknowledges that its products are also offered on Amazon.com.

The disputed domain name was registered on April 30, 2025. According to the evidence submitted by the Complainant, as captured on July 16, 2026, the disputed domain name resolved to a website that presented itself as the website of "Frost Guard", displayed the FROSTGUARD trademarks with the ® symbol and the Complainant's shield logo, used images of the Complainant's products, described a Minnesota-based company and its founder, purported to offer a lifetime warranty, and directed visitors to Amazon.com through affiliate links, with a statement that the site is a participant in the Amazon Services LLC Associates Program. The contact details on the website were a support email address, to which messages could not be delivered, and a San Francisco mailing address which could not be located. The website appeared among the first results of a search engine query for "frost guard".

On the date of this Decision, the Panel visited the disputed domain name (WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.8) and noted that it now redirects to a website at "www.frostguardco.com". That website presents itself as "Frost Guard: Windshield Covers", located in Nashville, Tennessee, uses the FROSTGUARD mark with the ® symbol and product names corresponding to the Complainant's products, and continues to direct visitors to Amazon.com through affiliate links.

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 is the owner of the FROSTGUARD trademarks, registered in the United States since as early as February 11, 2014, with a first use date of June 28, 2011, long predating the Respondent's registration of the disputed domain name on April 30, 2025;

(ii) the disputed domain name is confusingly similar to the FROSTGUARD trademarks because it incorporates the mark in its entirety, merely adding the descriptive term “store”, which does not distinguish the disputed domain name from the mark and, if anything, increases the likelihood of confusion given that the website purports to be an online store for the Complainant’s products;

(iii) the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not and has never been authorized to use the FROSTGUARD trademarks, is not commonly known by the disputed domain name, and instead uses the website to impersonate the Complainant by displaying its trademarks and a shield logo, using copyrighted product images, recounting a fabricated corporate history and founding story, advertising a nonexistent warranty, and providing credible-looking product descriptions, reviews, and testimonials, all directing traffic to Amazon.com affiliate links from which the Respondent profits;

(iv) the disputed domain name was registered and is being used in bad faith because the Respondent, with knowledge of the Complainant’s established trademark rights, intentionally created a website impersonating the Complainant to attract Internet users for commercial gain through affiliate sales, appears prominently in search results for the term “Frost Guard”, and provided false or non-functional contact information, including a non-existent mailing address and an inoperative support email address. The Complainant further contends that the Respondent supplied the Registrar with a false registrant name, “zhang san”, a name that functions in China analogously to “John Doe” in the United States, together with a fabricated address bearing a postal code that in fact corresponds to a city located approximately 550 kilometers from the address’s stated location, which the Complainant submits is further evidence of bad faith registration and use.

B. Respondent

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

6. Discussion and Findings

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 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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, having demonstrated registered rights in the FROSTGUARD trademarks. [WIPO Overview 3.1](#), section 1.2.1.

The FROSTGUARD word mark is reproduced in its entirety and is recognizable 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 the term “store” may bear on the assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark. [WIPO Overview 3.1](#), section 1.8. The generic Top-Level Domain (“gTLD”) “.com” is viewed as a standard registration requirement and is disregarded for the purposes of the 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.

Nor does the record indicate any use of the disputed domain name in connection with a bona fide offering of goods or services. The website associated with the disputed domain name impersonates the Complainant, reproducing its trademarks and shield logo, using images of its products, presenting a fabricated corporate history, and purporting to offer a lifetime warranty in the Complainant’s name, while directing visitors to Amazon.com through affiliate links for the Respondent’s commercial benefit. Even if some of the products linked from the website are genuine products of the Complainant, the Respondent’s use does not meet the requirements for a bona fide offering by a reseller or distributor: far from accurately and prominently disclosing its lack of relationship with the Complainant, the website falsely presents itself as the Complainant’s own business. [WIPO Overview 3.1](#), section 2.8.1.

Panels have held that the use of a domain name for illegal activity, such as impersonation or passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.

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.

The Panel finds that the Respondent registered the disputed domain name with the Complainant and its FROSTGUARD trademarks in mind. The disputed domain name reproduces the FROSTGUARD mark in its entirety, and the website to which it resolved reproduced the Complainant’s marks, shield logo and product images, and was devoted exclusively to the Complainant’s products. Such targeting cannot be coincidental. [WIPO Overview 3.1](#), sections 3.1.4 and 3.2.2.

The Panel further finds that the Respondent has used the disputed domain name to intentionally attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website and the products promoted through it, within the meaning of paragraph 4(b)(iv) of the Policy. The website’s fabricated founder narrative, its presentation as the Complainant’s own business, and its reliance on the Complainant’s trademarks, logo, and product imagery were all designed to mislead consumers, while the website’s prominent position in search results for “frost guard” enabled the Respondent to divert Internet users looking for the Complainant’s

products and to earn affiliate fees from their purchases. Panels have held that the use of a domain name for impersonation constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Further evidence of bad faith is found in the Respondent's provision of false contact information. The support email address displayed on the website does not accept messages, as confirmed both by the Complainant's evidence and by the failed delivery of the Center's own notifications, and the San Francisco mailing address displayed on the website could not be located. The use of a privacy service combined with the provision of false contact information supports a finding of bad faith. [WIPO Overview 3.1](#), sections 3.2.1 and 3.6.

The Panel also notes that, after the proceeding commenced, the disputed domain name was made to redirect to a website at "www.frostguardco.com", which no longer refers to Minnesota but instead presents the business as located in Nashville, Tennessee, the Complainant's own city, while continuing to use the FROSTGUARD mark and Amazon.com affiliate links. Far from curing the Respondent's conduct, this change confirms the ongoing and deliberate character of the impersonation.

Finally, the Respondent has failed to submit a response or to provide any explanation for its registration and use of a domain name reproducing the Complainant's mark in connection with a website impersonating the Complainant. The Panel draws adverse inferences from the Respondent's failure to participate in the present proceeding where an explanation is clearly called for. [WIPO Overview 3.1](#), section 4.3.

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 <frostguardstore.com> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: September 22, 2026