ARBITRATION
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# ADMINISTRATIVE PANEL DECISION
Navico Group Americas LLC v. David Sokolov
Case No. D2026-3434

## 1. The Parties

The Complainant is Navico Group Americas LLC, United States of America ("United States"), represented by Nelson Mullins Riley & Scarborough, LLP, United States.

The Respondent is David Sokolov, Ukraine.

## 2. The Domain Name and Registrar

The disputed domain name <garelickladder.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 August 3, 2026. On August 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, 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 the Complainant on August 6, 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 August 7, 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 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 31, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 1, 2026.

The Center appointed Pascal Böhner as the sole panelist in this matter on September 4, 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, Navico Group Americas LLC, is a Delaware limited liability company with a principal place of business in Wisconsin, United States.

The GARELICK brand originated with Garelick Manufacturing, founded in Minnesota in 1952, and has since been used in connection with marine hardware and accessories, including boat ladders. The Complainant relies on both registered rights and claimed common law rights in the GARELICK mark based on this longstanding use.

The Complainant is the owner of the following United States trademark registrations for GARELICK:

- United States Reg. No. 6,448,419, registered on August 10, 2021, covering, inter alia, marine accessories including metal and non-metal boarding ladders, mounting brackets, extension poles, boat hooks, and related hardware for use on boats; and
- United States Reg. No. 6,448,582, registered on August 10, 2021, covering design services for boat seating and upholstery for boat seating.

Both registrations were assigned to the Complainant on April 26, 2024, as reflected in the trademark assignment record submitted with the Complaint.

The disputed domain name was registered on March 21, 2025. The registrant disclosed by the Registrar in response to the Center's verification request is David Sokolov, with a stated address in Ukraine.

According to the evidence submitted, the disputed domain name resolves to an active commercial website displaying the GARELICK mark with a website title "Garelick Official Website - Premium Boat Ladders" and offering various boat ladder products under Garelick product names with "Check Price" buttons, together with customer reviews, contact details, and a disclosure of participation in the Amazon Services LLC Associates Program, which is designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.

Prior to filing the Complaint, the Complainant's counsel sent cease-and-desist and takedown notices to the registrars previously and currently associated with the disputed domain name, and the Amazon Associates Program. These communications did not result in any change in the Respondent's use 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, regarding the first element, the Complainant asserts that it holds both registered and common law rights in the GARELICK mark, based on registered United States trademark registrations as well as decades of continuous use of the mark in connection with marine hardware and boat ladders. The Complainant argues that the disputed domain name reproduces the GARELICK mark in its entirety, and that the addition of the descriptive term "ladder" does not prevent a finding of confusing similarity; to the contrary, the

Complainant submits that this addition increases the likelihood of confusion, given that GARELICK-branded ladders are among the Complainant's core products.

Concerning the second element, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. It submits that the Respondent is not commonly known by the name “Garelick” or “Garelick Ladder”, that the Complainant has never authorized, licensed, or otherwise affiliated the Respondent to use the GARELICK mark, and that these circumstances establish a prima facie case shifting the burden to the Respondent. The Complainant further argues that, given the confusing similarity between the disputed domain name and its mark, there is a high risk of implied affiliation with the Complainant, which weighs against any finding of rights or legitimate interests. The Complainant also asserts that the Respondent cannot rely on any bona fide offering of goods or services, or on any legitimate noncommercial or fair use, because the website under the disputed domain name is used commercially to offer competing or unauthorized products and, according to the Complainant, reproduces copyright-protected product images taken from the Complainant’s own website.

On the third element, the Complainant argues that the disputed domain name was registered and is being used in bad faith. It submits that the website under the disputed domain name mimics the Complainant’s own website and is designed to pass itself off as an authorized or affiliated Garelick outlet offering the Complainant’s products at a discount, which the Complainant characterizes as clear evidence of both bad faith registration and bad faith use. The Complainant further relies on the fact that, prior to filing the Complaint, it sent cease-and-desist and takedown notices to the registrars previously and currently associated with the disputed domain name, and the Amazon Associates Program, and that the Respondent continued its use of the disputed domain name despite having received such notices.

**B. Respondent**

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

## 6. Discussion and Findings

**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 it should.

The record shows that the Complaint and related case documents were successfully delivered to the Respondent by email at the relevant email address disclosed by the Registrar. The Written Notice of the Complaint was correctly sent to the Respondent’s address in Ukraine as confirmed by the Registrar. The Panel notes that the disputed domain name was registered on March 21, 2025, during the international conflict, suggesting that the Respondent is able to access the Internet and maintain control of the disputed domain name, and thus should have received at least electronic notice of this proceeding.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

**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 Selected UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of the GARELICK trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the GARELICK mark is reproduced within the disputed domain name. Although the addition of the term "ladder" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 generic Top-Level Domain ("gTLD") ".com" of the disputed domain name may be disregarded in determining identity and confusing similarity. WIPO Overview 3.1, section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the GARELICK trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

The Panel finds that the Complainant has established the first element of the Policy.

**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.

The record shows that the website under the disputed domain name displays the header "GARELICK Official Website" and describes the operator as "We're Garelick Boat Ladder and Parts Manufacturer", thereby directly and falsely holding itself out as the Complainant or an entity authorized by the Complainant. This is compounded by the reproduction of the GARELICK mark and the offering of ladder products under the Garelick brand. Such use does not constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy, since it is designed to mislead consumers into believing that the website is operated by, or affiliated with, the trademark owner, when this is not the case. Panels have held that the use of a domain name for illegal activity, including passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Furthermore, given the composition of the disputed domain name, which reproduces the GARELICK mark in its entirety together with the term “ladder” corresponding to one of the Complainant’s core product categories, the disputed domain name carries a risk of implied affiliation with the Complainant, which prevents any finding of legitimate noncommercial or fair use on the part of the Respondent.

The Panel finds that the Complainant has established the second element of the Policy.

**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 GARELICK trademark is registered in the United States and has been used in connection with marine hardware and boat ladders for decades. Given the composition of the disputed domain name, combining the distinctive GARELICK mark with the term “ladder” corresponding directly to the Complainant’s core product line, and given the manner in which the disputed domain name has been used, it is not conceivable that the Respondent registered the disputed domain name without knowledge of the Complainant’s rights in the GARELICK mark. This supports a finding of bad faith registration.

As to bad faith use, the record shows that the website under the disputed domain name is designed to impersonate the Complainant, expressly presenting itself under the header “GARELICK Official Website” and describing its operator as “We’re Garelick Boat Ladder and Parts Manufacturer”. The Panel notes that this false representation of being the trademark owner, combined with the offering of ladder products under the Garelick brand, and likely using copyright protected images of the Complainant is intended to and does create a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website, from which the Respondent presumably derives commercial gain. This constitutes bad faith registration and use under paragraph 4(b)(iv) of the Policy.

The Panel therefore 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 <garelickladder.com> be transferred to the Complainant.

*/Pascal Böhner/*
**Pascal Böhner**
Sole Panelist
Date: September 18, 2026