ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
113 Ventures, LLC v. Ernest Chuks
Case No. D2026-3460

1. The Parties

The Complainant is 113 Ventures, LLC, United States of America ("U.S." or "United States"), represented by Gleam Law, PLLC, U.S.

The Respondent is Ernest Chuks, Nigeria, self-represented.

2. The Domain Name and Registrar

The disputed domain name <trehousedispensary.com> is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 4, 2026. On August 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 8, 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 (Unnamed) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 10, 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 10, 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 and Ibrahim Moumouni of the Complaint, and the proceedings commenced on August 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 2, 2026. Several email communications were received from the Respondent between August 10 and 13, 2026. However, the Respondent did not submit any formal response. Accordingly, the Center informed the Parties that it would proceed with panel appointment on September 3, 2026.

The Center appointed Tobias Malte Müller 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 U.S.-based company dedicated to providing high-quality hemp, mushroom, and other recreational products. The Complainant sells its products on the website at the domain name <trehouse.com>, registered in 2002, under the sign "TRE HOUSE". The Complainant owns the following figurative U.S. trademarks (the "TRE HOUSE Mark"):

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U.S. reg. no. 7600968, filed on January 5, 2022, and registered on December 10, 2024, for goods in class 34.

The disputed domain name was registered on January 25, 2026. It resolves to a website which almost replicates the Complainant's website at the domain name <trehouse.com>, prominently displays the Complainant's TRE HOUSE Mark, and purportedly offering the Complainant's products. According to the Complainant's evidence, there is no accurate and prominent disclaimer regarding the Respondent's (unexisting) relationship with the Complainant on the website at 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:

(1) The disputed domain name is a near complete and exact reproduction of the Complainant's TRE HOUSE Mark. The only difference between the Mark and the disputed domain name is the addition of the descriptive term "dispensary", the relevant trademark remaining therefore recognizable within the disputed domain name;

(2) The Respondent lacks rights or legitimate interests in the disputed domain name because there is no evidence of a bona fide offering under the Mark, and the Respondent registered the disputed domain name over a year after the Complainant's registration of the TRE HOUSE Mark at the United States Patent and Trademark Office, without any license or authorization, and is not commonly known by the disputed domain name. The Complainant further contends that the disputed domain name fully incorporates the arbitrary TRE HOUSE Mark with only the descriptive addition "dispensary", which cannot amount to fair use where it implies sponsorship or endorsement. Finally, the Complainant asserts that the Respondent's website is an identical copy of the Complainant's site, using the same product images, biographical content, and the TRE HOUSE Mark itself to offer identical goods, demonstrating an attempt to pass off as the Complainant, which can never confer rights or legitimate interests;

(3) The Respondent registered and is using the disputed domain name in bad faith by intentionally creating a likelihood of confusion with Complainant's TRE HOUSE Mark to attract internet users for commercial gain. The Complainant further argues that the Respondent mimics the Complainant's website design and product offerings to misdirect consumers toward counterfeit goods, and that the Respondent's use of a proxy or privacy registration service supports an inference of bad faith. An independent creation is implausible so that the Respondent knowingly targeted the Complainant's mark.

B. Respondent

The Respondent did not file a formal response to the Complainant's contentions. On August 10, 2026, the Center received email communications from the Respondent stating that it was confused regarding the proceedings. The Respondent explained that it was not the actual registrant of the disputed domain name, but rather the owner of a web hosting company, and that it used the application programming interface ("API") of a domain name reseller to offer domain name registration services to his customers. It further identified a person who, he claimed, is the actual registrant of the disputed domain name and provided the contact details for this individual. Further email communications were received between August 12 and August 13, 2026, in which the Respondent reiterated that it is not the actual registrant of the disputed domain name.

The Panel notes that paragraph 1 of the Rules provides that "Respondent means the holder of a domain-name registration against which a complaint is initiated." In this regard, the Registrar confirmed to the Center that Ernest Chuks is the registrant of the disputed domain name, and the Complainant has identified Ernest Chuks as the Respondent in the amended Complaint. Although Ernest Chuks claims to have registered the disputed domain name on behalf its client, no evidence has been provided to support this claim. Moreover, while the Notification of Complaint was also sent to the email address of the claimed client, the Center did not receive any communication from this person. Therefore, in the absence of any contrary evidence and based on the record, the Panel determines that the currently registered registrant, Ernest Chuks, is the proper Respondent of these proceedings pursuant to paragraph 1 of the Rules.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

(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 Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 Panel notes that the marks on which the Complainant relies are figurative marks. However, it is nonetheless standard practice among UDRP Panels that a trademark registration with design elements satisfies the requirement of showing "rights in a mark", with Panels generally focusing on the non-design elements for purposes of assessing confusing similarity. This is because Panel's assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements are incapable of representation in domain names, such elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element. WIPO Overview 3.1, section 1.10.

Applying this approach, the Panel finds that the entirety of the textual components of the TRE HOUSE Mark is reproduced at the beginning of the disputed domain name followed by the additional term "dispensary". The mark is therefore recognizable within the disputed domain name. While the addition of this further term may bear on assessment of the second and third elements, it 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. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

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.

As detailed above, the disputed domain name resolves to a website which almost replicates the Complainant's website under its domain name <trehouse.com>, prominently displays the Complainant's above TRE HOUSE Mark, and purports to offer the Complainant's products. There is no accurate and prominent disclaimer regarding the Respondent's (unexisting) relationship with the Complainant on the website at the disputed domain name.

Moreover, the Panel notes that the disputed domain name contains the Complainant's registered TRE HOUSE Mark, combined with the term "dispensary" which is inherently descriptive for the Complainant's field of commerce. It is acknowledged amongst previous panels that such additional terms within the trademark owner's field of commerce may or may not by themselves trigger an inference of affiliation, and would normally require a further examination by the panel of the broader facts and circumstances of the case – particularly including the associated website content – to assess potential respondent's rights or legitimate interests. WIPO Overview 3.1, section 2.5.1. In the present case, taking into account that the website to which the disputed domain name resolves is an imitation of the Complainant's website, allegedly selling the Complainant's products and reproducing without authorization the Complainant's TRE HOUSE Mark, the Panel sees the disputed domain name as tending to suggest sponsorship or endorsement by the trademark owner.

The composition of the disputed domain name directly targeting the Complainant's field of activity enhances the false impression that the disputed domain name is somehow related to the Complainant and its official webshop. Such composition of the disputed domain name cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. WIPO Overview 3.1, section 2.5.1.

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 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. One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its 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 its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy). This is the case here.

According to the Complainant's documented allegations the disputed domain name resolves to an active website which almost replicates the Complainant's website under its domain name <trehouse.com>, prominently displays the Complainant's above TRE HOUSE Mark without its authorization, and purports to offer the Complainant's products. There is no accurate and prominent disclaimer regarding the Respondent's (unexisting) relationship with the Complainant on the website at the disputed domain name.

In addition, this finding of bad faith registration and use is further supported by further circumstances resulting from the case at hand, which are the following:

(i) the Respondent's failure to provide any evidence of actual or contemplated good faith use;
(ii) a clear absence of rights or legitimate interests;
(iii) the nature of the disputed domain name, incorporating the Complainant's TRE HOUSE Mark, together with a term closely related to the Complainant's field of business; and
(iv) the websites not containing any disclaimer as to the lack of relationship with the Complainant.

Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the disputed domain name was registered to target the Complainant's TRE HOUSE Mark, and has been used to pass itself off as the Complainant.

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 <trehousedispensary.com> be transferred to the Complainant.

/Tobias Malte Müller/
Tobias Malte Müller
Sole Panelist
Date: September 24, 2026