ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Vale Firm LLC v. Vladyslav Klerfon
Case No. D2026-3480

## 1. The Parties

The Complainant is Vale Firm LLC, United States of America ("United States"), represented by Polsinelli PC, United States.

The Respondent is Vladyslav Klerfon, Ukraine.

## 2. The Domain Name and Registrar

The disputed domain name <vale-clothing.com> is registered with URL Solutions, Inc. (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 5, 2026. On August 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 7, 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 17, 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 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 10, 2026.

The Center appointed Jane Seager as the sole panelist in this matter on September 18, 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 limited liability company organized under the laws of the State of New Jersey, United States. Established in 2014, the Complainant operates a contemporary clothing brand and retail business offering high-end streetwear, vintage-inspired designs, limited-release products, and other urban apparel. The Complainant's products are available through its website at the domain name <valeforever.com>, its retail stores, and other channels. According to the Complaint, the Complainant generally manufactures its products in limited quantities and does not distribute them through wholesalers, distributors, or resellers.

The Complainant owns United States Trademark Registration No. 6,526,456, VALE LIVES, registered on October 19, 2021.

The disputed domain name <vale-clothing.com> was registered on October 17, 2025.

The disputed domain name resolves to a website purporting to offer for sale clothing presented as Vale Forever-branded products (the "Respondent's website"). The Respondent's website uses "Vale Forever Clothing" as its storefront name and displayed product listings, images, and promotional videos featuring the designations "Vale Forever", "Valley Dreams", and other VALE-formative signs.

The Respondent's website describes the products offered on the site as authentic and verified, states that products are obtained through authorized channels and indicates that orders include certificates of authenticity. Certain portions of the Respondent's website refer to it as the "Vale Forever official website" or state that the website operator works directly with the Complainant. Other portions of the Respondent's website state that it is an independent reseller.

## 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.

The Complainant asserts registered and unregistered rights in several VALE-formative marks, including the registered VALE LIVES mark and claimed common law rights in VALE FOREVER, arising from the use and promotion of those marks in connection with clothing products. According to the Complainant, the disputed domain name incorporates the distinctive and dominant "VALE" element of its marks. The Complainant argues that the addition of the descriptive term "clothing" does not prevent a finding of confusing similarity because it refers directly to the goods offered by the Complainant and reinforces an association with its apparel business. The Complainant further submits that the hyphen and the ".com" generic Top-Level Domain ("gTLD") do not materially distinguish the disputed domain name from its marks.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the Respondent is not affiliated with the Complainant and has not been authorized, licensed, or otherwise permitted to use the Complainant's marks or to register the disputed domain name. The Complainant claims that the Respondent is using the disputed domain name to create confusion with the Complainant, its marks, and its domain name, for commercial gain. The Complainant argues that, even if the goods offered on the Respondent's website are genuine, the Respondent's use does not constitute legitimate reseller activity because the website does not accurately

and prominently disclose the absence of any relationship with the Complainant. In particular, the Complainant argues that the website's limited statements identifying the Respondent as an independent reseller are contradicted by its use of "Vale Forever Clothing" as the storefront identity, references to an official website, claims of working directly with the brand, and representations that the products are obtained through authorized channels. The Complainant submits that the Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services, that the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the Respondent was aware of the Complainant and its marks when registering the disputed domain name, as evidenced by the composition of the disputed domain name and by the Respondent's subsequent use of the Complainant's marks, branding, and product imagery on the Respondent's website. The Complainant asserts that the Respondent is using the disputed domain name to impersonate the Complainant and intentionally attract Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The Complainant argues that the website's less prominent non-affiliation statements do not dispel this confusion and that inconsistent statements on the website regarding alleged official affiliation and location of the Respondent's business further support a finding of bad-faith use.

The Complainant requests transfer of the disputed domain name.

**B. Respondent**

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

## 6. Discussion and Findings

### 6.1 Procedural Matter: 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 proceeding takes place with due expedition. Since the Respondent's mailing address is stated to be in Ukraine which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center notified the Respondent of the Complaint using all available means. Furthermore, the Panel notes that the disputed domain name was registered during the international conflict, suggesting that the Respondent is able to access Internet, maintain control of the disputed domain name, and thus should have received at least electronic notice of this proceeding. It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no doubt that the Respondent registered and has used the disputed domain name in bad faith and with the intention of targeting the Complainant. The Panel concludes that the Parties have been given a fair opportunity to present their case so that the administrative proceeding should take place. Therefore, the Panel will proceed to a Decision accordingly.

### 6.2 Substantive Matters

In order to prevail, the Complainant must demonstrate on the balance of probabilities that it has satisfied the requirements of paragraph 4(a) of the Policy:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) The disputed domain name was registered and is being used in bad faith.

**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 the VALE LIVES trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds that a dominant "VALE" element of the Complainant's VALE LIVES trademark is recognizable as the leading element of the disputed domain name such that the disputed domain name may be considered confusingly similar with the Complainant's trademark. WIPO Overview 3.1, section 1.7.

Although the disputed domain name adds the term "-clothing", this term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

While the content of the associated website is generally disregarded in assessing confusing similarity, it may confirm that the respondent intended the disputed domain name to target the complainant's mark. Here, the use of the Complainant's VALE-formative marks, branding, and product imagery on the Respondent's website confirms that the "VALE" element in the disputed domain name was intended to refer to the Complainant rather than to any other possible meaning of that term. WIPO Overview 3.1, section 1.15.

The Panel finds that 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 that 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 Complainant has not authorized, licensed, or otherwise permitted the Respondent to use the Complainant's trademark or to register the disputed domain name.

The Respondent's use of the disputed domain name is commercial in nature. Even assuming that the products offered on the Respondent's website are genuine, the Panel finds that the Respondent's use of the disputed domain name does not support a claim of rights or legitimate interests as an unauthorized reseller. The Respondent's website does not accurately and prominently disclose the Respondent's lack of affiliation with the Complainant. To the contrary, the Respondent's website uses "Vale Forever Clothing" as its storefront name, refers to itself as the "Vale Forever official website", and claims to work directly with the Complainant and to obtain products through authorized channels. In these circumstances, the limited statements elsewhere on the Respondent's website identifying the Respondent as an independent reseller do not adequately dispel the misleading impression of affiliation created by the Respondent's website as a whole. WIPO Overview 3.1, section 2.8. See also *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903. The Panel finds that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

The Panel finds that the Respondent's use of the disputed domain name does not support a legitimate claim of being commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The composition of the disputed domain name, combining the recognizable "VALE" element of the Complainant's trademark with the term "clothing", carries a risk of implied affiliation with the Complainant and its clothing business. The Respondent's use of the disputed domain name for a website presenting itself as an official or authorized source of the Complainant's products confirms that the Respondent seeks to take commercial advantage of that implied affiliation. The Panel therefore finds that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name further to paragraph 4(c)(iii) of the Policy.

The Panel finds that 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 Complainant's rights in the VALE LIVES trademark predate the registration of the disputed domain name. The disputed domain name combines the "VALE" element of the Complainant's trademark with the term "clothing", which describes the Complainant's area of business. The Panel infers that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name. The Respondent's knowledge of and intent to target the Complainant are confirmed by the content of the Respondent's website, which makes extensive use of the Complainant's VALE-formative signs, branding, and product imagery, and purports to offer the Complainant's products for sale. In the circumstances, the Panel finds that the Respondent registered the disputed domain name with the Complainant and its trademark in mind, with a view to taking commercial advantage of the Complainant's reputation and goodwill. The Panel therefore finds that the disputed domain name was registered in bad faith.

As noted above, the Respondent's website uses "Vale Forever Clothing" as its storefront name, refers to itself as the "Vale Forever official website", claims to work directly with the Complainant, and states that its products are obtained through authorized channels. The Panel finds that Internet users are likely to be misled into believing that the Respondent's website is an official website of the Complainant or is otherwise affiliated with or endorsed by the Complainant, which is not the case.

The Panel also notes that the Respondent appears from the Registrar-disclosed information to be based in Ukraine, while the Respondent's website purports to operate a business in the United States. In the absence of any explanation from the Respondent, this discrepancy, considered together with the website's inconsistent statements regarding its affiliation with the Complainant and the location of its business, further calls the Respondent's presentation of its business and online activities into question.

In light of the above, the Panel finds that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products offered on it. Such conduct amounts to bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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 <vale-clothing.com> be transferred to the Complainant.

*/Jane Seager/*
**Jane Seager**
Sole Panelist
Date: October 12, 2026