

ADMINISTRATIVE PANEL DECISION

Calvin Klein Trademark Trust, Calvin Klein, Inc. v. Domain Admin,
Whoisprotection.cc
Case No. D2026-3543

1. The Parties

The Complainants are Calvin Klein Trademark Trust, United States of America (“United States”), and Calvin Klein, Inc., United States, represented by Lipkus Law LLP, Canada.

The Respondent is Domain Admin, Whoisprotection.cc, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <calvinkleinau.com> and <calvinkleinnewzealand.com> are registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 10, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 12, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 12, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on August 18, 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 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 9, 2026.

The Center appointed Debrett G. Lyons as the sole panelist in this matter on September 15, 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. Preliminary Procedural Issues: Multiple Complainants

Two complainants are named in the Complaint, Calvin Klein Trademark Trust and Calvin Klein, Inc. The Complaint states that Calvin Klein Trademark Trust is the registered owner of the trademarks that are the subject matter of this UDRP proceeding and that Calvin Klein, Inc. is the beneficial owner of those trademarks.

Appended to the Complaint are copies of two certificates of registration issued by the United States Patent and Trademarks Office (“USPTO”) for the trademark, CALVIN KLEIN. Neither certificate shows Calvin Klein Trademark Trust as the registered owner.

Having regard to the general powers articulated in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record¹ and on this occasion the Panel has made reference to online USPTO records to discover that both registrations relied upon now stand in the name of Calvin Klein Trademark Trust.

Arguably, Calvin Klein, Inc. need not have been added to the Complaint. However, a trademark owner’s affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint². The Complaint states that Calvin Klein, Inc. is the beneficial owner of the trademark and there is nothing to cause the Panel to question that claim. Accordingly, the Panel infers that Calvin Klein, Inc. has an interest in the trademark and authorization to file a UDRP case. References in this decision to “Complainant” are therefore references to Calvin Klein Trademark Trust and Calvin Klein, Inc., together, unless otherwise specified.

5. Factual Background

The factual findings pertinent to the Decision in this case are that:

- (1) the Complainant uses the trademark, CALVIN KLEIN, in connection with the production, sale and licensing of men’s and women’s apparel, fragrances, accessories, and footwear;
- (2) the Complainant is the owner of, inter alia, USPTO Reg. No. 1,086,041, registered February 21, 1978, for the trademark, CALVIN KLEIN;
- (3) the disputed domain names were registered on October 29, 2025; and
- (4) the disputed domain names resolve to essentially identical websites which show the trademark and promote sale of the same goods as those sold by Complainant under the trademark.

¹ See WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 4.8.

² See [WIPO Overview 3.1](#), section 1.4.1.

6. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for transfer of the disputed domain names.

Notably, the Complainant asserts trademark rights in CALVIN KLEIN by reason of use and registration of that term and submits that the disputed domain names are confusingly similar to the trademark for the purposes of the Policy since they combine the distinctive trademark with the country name, "New Zealand" or the country name abbreviation, "AU", and the generic Top-Level Domain ("gTLD"), ".com".

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain names because there is no relationship between the Parties and the Complainant has not authorized the Respondent to use its trademark or register any domain name incorporating that mark. Further, that the Respondent is not known by the disputed domain names and the use of the disputed domain names has not been bona fide since they are used in connection with websites that show the Complainant's trademark and purport to offer the exact same goods as those provided by the Complainant under the trademark but without the Complainant's permission.

The Complainant alleges that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites or location or of products on those websites. The Respondent is driving Internet traffic to its own websites, taking advantage of the goodwill associated with the Complainant. Hence, it is submitted that the Respondent registered and used the domain names in bad faith.

The Complainant accordingly requests the Panel to order transfer of the disputed domain names.

B. Respondent

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

7. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and is being used in bad faith.

It is the responsibility of the Panel to consider whether the requirements of the Policy have been met, regardless of the fact that the Respondent failed to submit a formal response.

Having considered the Complaint and the available evidence, the Panel finds the following:

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold enquiry – a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to the trademark.

Paragraph 4(a)(i) does not distinguish between registered and unregistered trademark rights. It is accepted that a trademark registered with a national authority is evidence of trademark rights for the purposes of the Policy³. The Panel finds that the Complainant has shown trademark rights in CALVIN KLEIN since it provides proof of its registration of that name with the USPTO, a national trademark authority⁴.

For the purposes of comparing the disputed domain names with the trademark, the gTLD can be disregarded⁵. The disputed domain names then differ from the trademark by simple addition of a country name, or well-recognised country name abbreviation. The consensus view of panelists is that where the trademark is recognizable within the disputed domain names (as it is here), the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity⁶. The Panel adopts that reasoning and finds that the disputed domain names are confusingly similar to the trademark.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has the burden to establish that the Respondent has no rights or legitimate interests in the disputed domain names. Nevertheless, it is well settled that the Complainant may first make out a prima facie case, after which the burden of production shifts to the Respondent to rebut such prima facie case by providing evidence demonstrating rights or legitimate interests in the disputed domain names⁷.

Notwithstanding the lack of a response to the Complaint, paragraph 4(c) of the Policy states that any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate rights or legitimate interests in a domain name for purposes of paragraph 4(a)(ii) of the Policy:

- “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

The Respondent's name does not suggest that the Respondent might be commonly known by either of the disputed domain names, and the Panel finds no other evidence that the Respondent might be known by the disputed domain names. Further, the Complainant states that there is no association between the Parties and the Panel finds that there is nothing to contradict that claim. There is no evidence that the Respondent has any trademark rights. Finally, panels have held that the use of a domain name for an illegitimate activity, here, impersonation/passing off, can never confer rights or legitimate interests on a respondent⁸.

Having reviewed the available records, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. In failing to file a Response addressing the Complainant's contentions, the Respondent has not rebutted the Complainant's prima facie case and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

³ See [WIPO Overview 3.1](#), section 1.1.1.

⁴ See [WIPO Overview 3.1](#), section 1.2.1.

⁵ See [WIPO Overview 3.1](#), section 1.7.

⁶ See [WIPO Overview 3.1](#), section 1.8.

⁷ See [WIPO Overview 3.1](#), section 2.1; see also *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#).

⁸ See [WIPO Overview 3.1](#), section 2.113.1

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out circumstances, which shall be evidence of the registration and use of a domain name in bad faith. They are:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location.”

The Complaint uses the language of paragraph 4(b)(iv) above and the Panel finds that the use of the disputed domain names is indeed caught by that subparagraph. The Panel has already found the disputed domain names to be confusingly similar to the trademark. Given the use to which the disputed domain names have been put, impersonating the Complainant, it is reasonable to infer that the Respondent knew of the Complainant and its trademark when it registered the disputed domain names. The use of the disputed domain names is for clearly commercial gain and so, in terms of paragraph 4(b)(iv), the Panel finds that the Respondent has used the disputed domain names intending to attract Internet users to its websites for commercial gain by causing a likelihood of confusion as to the source or endorsement of those websites.

The Panel finds that the Complainant has satisfied the third and final element of the Policy.

8. 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 names <calvinklein.au.com> and <calvinkleinnewzealand.com> be transferred to the Complainant.

/Debrett G. Lyons/

Debrett G. Lyons

Sole Panelist

Date: September 20, 2026