

ADMINISTRATIVE PANEL DECISION

Fink's Jewelers Incorporated v. Zephania Myers Case No. D2026-3593

1. The Parties

The Complainant is Fink's Jewelers Incorporated, United States of America ("USA"), represented by Woods Rogers PLC, USA.

The Respondent is Zephania Myers, USA.

2. The Domain Name and Registrar

The disputed domain name <thefinksvibe.shop> 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 12, 2026. On August 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 14, 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 (Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 17, 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 a first amended Complaint on August 21, 2026, and a second amended Complaint on August 25, 2026.

The Center verified that the Complaint together with the amended Complaints 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 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 17, 2026.

The Center appointed Bradley A. Slutsky as the sole panelist in this matter on September 21, 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 operates a retail jewelry brand known as Fink's Jewelers and has been in business since 1930. The Complainant asserts that it "has engaged in the extensive use and promotion of the FINK'S marks and said marks have achieved recognition and goodwill in the eyes of the consuming public." The Complainant has two USA trademark registrations for FINK'S, as follows:

Mark	Jurisdiction	Reg. No.	Reg. Date	Int'l Class	Goods / Services
FINK'S (stylized)	USA	2,315,806	February 8, 2000	35	Retail jewelry store services
FINK'S	USA	7,944,947	September 16, 2025	35	Retail jewelry store services

The Complainant also maintains a website at "www.finks.com" where the Complainant also sells jewelry under the FINK'S mark.

The Respondent registered the disputed domain name on June 13, 2026. The Respondent maintains a website at the disputed domain name from which the Respondent also purportedly sells jewelry. At the top-left of the Respondent's website the words "Finks Jewelers" appear, stylized in the same manner as the Complainant's registered trademark. The Respondent's website also uses the identical stylized "F" favicon as the Complainant's website, including the ® symbol in the upper-right of the graphic. The Respondent's website also offers items from "the Fink's Collection" (a phrase that is used on the Complainant's website), and the bottom of the Respondent's website – like the bottom of the Complainant's website – states "© 2026 Fink's Jewelers. All rights reserved."

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 "The Respondent's Domain Name incorporates the FINK'S marks in their entirety, with additions that either do not diminish or would promote a likelihood of consumer confusion" and "advertises identical products and offerings to consumers" using a website that mimics the Complainant's website. The Complainant asserts that such use is not authorized by the Complainant, and that the Respondent registered the disputed domain name in order to "obtain[] Internet visitors when such visitors were attempting to reach Complainant's goods and services" and "receive compensation when Internet visitors are misled to engage with the content on the website to which the Respondent Domain Name resolves, including monies collected from the deceived visitors." The Complainant also notes that "the [disputed] Domain Name does not and cannot reflect the legal name" of the Respondent, and that the Respondent "registered the [disputed] Domain Name with intent to divert consumers away from Claimant's online location, for his or her own commercial gain, by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the [disputed] Domain Name". The Complainant argues that the very fact that the disputed domain name uses the FINKS marks demonstrates that the marks were famous and/or distinctive prior to the registration of the disputed domain name, and that the Respondent "has recognized the source-indicating significance thereof and is seeking to leverage it for his/her/its own gain".

The Complainant also argues that the FINKS marks “have no significance other than as a source identifier for Complainant’s services offered thereunder.” The Complainant also observes that, as set forth in 15 U.S.C. § 1115, each of the Complainant’s trademark registrations is “prima facie evidence of the validity of the registered mark and of the registration of the mark, of the registrant’s ownership of the mark, and of the registrant’s exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the registration subject to any conditions or limitations stated therein”. With regard to registration and use in bad faith, the Complainant asserts that the Respondent is “intentionally and knowingly using counterfeit versions of the FINKS marks in connection with websites that are being used to promote the precise same retail and jewelry sales services of the type offered by Complainant” and covered by the Complainant’s trademark registrations, that the Respondent operates “fraudulent websites designed to replicate Complainant’s services”, that the Respondent is using the Complainant’s FINKS marks to advertise, promote, sell, and offer for sale and distribution goods and/or services that are the same as the Complainant’s, that the Respondent was motivated to register the disputed domain name because of the decisions in *FINK’S JEWELER’S, Inc. v. Robert Reitz, Home Centers*, WIPO Case No. [D2025-0009](#) and *Fink’s Jeweler’s Incorporated v. Seery Michael*, WIPO Case No. [D2025-0985](#), “and the Respondent is merely seeking to continue this attempt to deceive [the Complainant’s] legitimate customers in maintaining a false website misusing [the Complainant’s] mark.” Finally, the Complainant argues that “[t]he unauthorized intentional use by Respondent of the FINKS marks as set forth above is likely to: (a) cause confusion, mistake and deception; (b) cause the public to believe that the products and/or services offered by Respondent are authorized, sponsored or approved by Complainant or that Respondent [is] affiliated, connected or associated with or in some way related to Complainant; and (c) result in Respondent unfairly benefitting from Complainant’s advertising and promotion and profiting from the reputation of Complainant and the FINKS marks, all to the substantial and irreparable injury of the public and Complainant.”

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 15(a) of the Rules, a panel in UDRP proceedings “shall 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”.

Under paragraph 4(a) of the Policy, the Complainant must prove the following:

- (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.

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 trademarks or service marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

Further, the entirety of the marks are reproduced within the disputed domain name, save for the apostrophe. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7 (“in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark”).

Although the addition of other terms, here “the” and “vibe”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Similarly, the “.shop” generic Top-Level Domain (“gTLD”) “is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.” [WIPO Overview 3.1](#), section 1.11.1.

Accordingly, 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.

“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 [the Respondent’s] rights or legitimate interests to the [disputed] domain name for purposes of paragraph 4(a)(ii):

- (i) before any notice to [the Respondent] of the dispute, [the Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent has] acquired no trademark or service mark rights; or
- (iii) [the Respondent is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue”. Paragraph 4(c) of the Policy.

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.

There is no evidence that the Respondent has used or prepared to use the disputed domain name in connection with a bona fide offering of goods or services, or has been commonly known by the disputed domain name, or is making a legitimate noncommercial or fair use of the disputed domain name.

The Respondent is not authorized to use the Complainant's FINK'S marks, yet has used the marks to register the disputed domain name and create a website at the disputed domain name that mimics the Complainant's website, copies the Complainant's favicon graphic, uses the name of the Complainant's brand in the same stylized font that the Complainant uses (and has registered), refers to the Complainant's "Fink's Collection" and copies the copyright notice on the Complainant's website, and purports to offer the same types of products for sale that the Complainant sells. "Panels have categorically held that the use of a domain name for illegal activity (e.g., ... copycat sites, passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent." [WIPO Overview 3.1](#), section 2.13.1. "Evidence that ... the respondent has misappropriated copyrighted images from the complainant's website ... [has] been found relevant in this regard." [WIPO Overview 3.1](#), section 2.13.2. These circumstances also indicate that the Respondent registered and is using the disputed domain name to trade on the goodwill associated with the Complainant's marks, rather than to undertake activity associated with a name by which the Respondent has been commonly known or to engage in bona fide, noncommercial, or fair use activities.

Accordingly, 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. Specifically, "the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that [the Respondent has] registered or [the Respondent has] 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 [the Respondent's] documented out-of-pocket costs directly related to the domain name; or

(ii) [the Respondent has] 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 [the Respondent has] engaged in a pattern of such conduct; or

(iii) [the Respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] website or location or of a product or service on [the Respondent's] website or location." Paragraph 4(b) of the Policy.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, the Panel notes that the Respondent registered the disputed domain name nearly 100 years after the Complainant first began using the FINK'S marks, and more than 26 years after the Complainant first registered its mark. The Respondent maintains a website that purports to sell the same goods the Complainant sells, including items from "the Fink's Collection"; and the Respondent uses the

name of the Complainant's brand on the Respondent's website, using the same stylization that the Complainant uses; and the Respondent duplicates the Complainant's favicon and copyright notice on the Respondent's website. The use of the ".shop" gTLD with the Complainant's FINK'S marks suggests the Respondent's website is a place to shop that is related to the Complainant. According to Merriam-Webster's dictionary, "vibe" means "a distinctive feeling or quality capable of being sensed". Clearly, the "vibe" being referenced in the disputed domain name is the "vibe" of the Complainant's Fink's Jewelers stores. Thus, it appears that the Respondent registered and is using the disputed domain name "to attract, for commercial gain, Internet users to [the Respondent's] web site ... by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the Respondent's] website or location or of a product or service on [the Respondent's] website or location", in violation of Paragraph 4(b)(iv) of the Policy.

"If ... circumstances indicate that the respondent's intent in registering the disputed domain name was in fact to profit in some fashion from or otherwise exploit the complainant's trademark, panels will find bad faith on the part of the respondent. Although panel assessment remains fact-specific, generally speaking such circumstances, alone or together, include: (i) the respondent's likely knowledge of the complainant's rights, ... [and] (iv) website content targeting the complainant's trademark" [WIPO Overview 3.1](#), section 3.1.1. See also [WIPO Overview 3.1](#), section 3.1.4 ("Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark...redirecting the domain name to or mimicking the complainant's (or a competitor's) website").

At least two panels have previously found that the use of the Complainant's FINK'S marks to sell jewelry on websites that refer to the Complainant constitutes bad faith. See, e.g., *Fink's Jeweler's Incorporated v. Seery Michael*, WIPO Case No. [D2025-0985](#) ("Respondent has set up a website at the disputed domain name purporting to offer retail jewelry store services. The Panel notes that the website has several references to Complainant's FINK'S trademark and purports to offer the same jewelry products. The record therefore indicates that Respondent was fully aware of Complainant's trademark rights when registering the disputed domain name and is trading on the goodwill of Complainant's trademark to attract Internet users to Respondent's website for Respondent's commercial gain. The Panel finds the third element of the Policy has been established"); and *FINK'S JEWELER'S, Inc. v. Robert Reitz, Home Centers*, WIPO Case No. [D2025-0009](#) ("Respondent has set up a website at the URL associated with the disputed domain name that purports to offer retail jewelry store services. The Panel notes that the website has several references to the Complainant's trademark FINK'S and purports to offer 'Fink's Exclusive' engagement rings. Hence, Respondent was presumably aware of Complainant's rights when registering the disputed domain name and is trading on the goodwill of Complainant's trademarks to attract Internet users for Respondent's own commercial gain. Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph (4)(a)(iii) of the Policy").

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

Accordingly, 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 <thefinksvibe.shop> be transferred to the Complainant.

/Bradley A. Slutsky/

Bradley A. Slutsky

Sole Panelist

Date: October 5, 2026