

ADMINISTRATIVE PANEL DECISION

Mark's Work Wearhouse Ltd. v. Iplik Chiolu
Case No. D2026-3631

1. The Parties

The Complainant is Mark's Work Wearhouse Ltd., Canada, represented by Gowling WLG (Canada) LLP, Canada.

The Respondent is Iplik Chiolu, United States of America ("United States" or "U.S.").

2. The Domain Name and Registrar

The disputed domain name <marksofficialonline.com> is registered with West263 International Limited (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 13, 2026. On August 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 17, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 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 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 13, 2026.

The Center appointed Meera Chature Sankhari 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 is a Canadian company founded in 1977 and appears to offer clothing, outerwear, footwear and accessories to men, women and children under the mark MARK'S and MARK'S WORK WEARHOUSE. The Complainant registered its domain name <marks.com> in 1998 and has been operating the associated website featuring its MARK'S trademarks since 2000. The domain name is used by the Complainant as an e-commerce website/online store, allowing customers to purchase clothes and other goods.

The Complainant states that since its establishment, it has grown from an industrial accessories dealer to a well-known leading Canadian clothing retailer of casual and work wear, operating over 380 stores across Canada. The Complainant also offers goods of various third-party well-known brands such as Denver Hayes, Levi's, FarWest, Wind River, Columbia, Timberland etc, through its online website.

The Complainant is the owner of several registered trademarks that comprise the word MARK'S in Canada, and the United States, registered in respect of various goods and services including in classes 25 and 35. The Complainant's marks are registered in the following jurisdictions:

- Canada Trademark (CIPO), for MARK'S (word mark), Registration No. TMA823396, dated May 4, 2012
- U.S. Trademark (USPTO), for MARK'S (word mark), Registration No. 6222243, dated December 15, 2020
- U.S. Trademark (USPTO), for MARK'S WORK WEARHOUSE (word mark), Registration No. 6709236, dated April 26, 2022

The disputed domain name <marksofficialonline.com> was registered in April 2026. The disputed domain name resolves to a website featuring the Complainant's MARK'S trademark and third-party brands such as Denver Hayes, FarWest, Wind River. The Respondent is also offering goods including clothing, footwear, and accessories for men, women, and children, through the disputed domain name and claims to have 380+ stores.

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 its MARK'S trademarks enjoy significant goodwill and widespread recognition due to extensive use and have acquired the status of well-known trademark in Canada among the trade and public as a clothing retail business. Therefore, the Complainant claims that the Respondent had actual or constructive knowledge of the Complainant and its MARK'S trademarks at the time of registration.

The Complainant also contends that there has never been any relationship between the Parties and that the Respondent is neither licensed nor authorized to use or register any of the MARK'S trademarks in any manner, including as a domain name.

The Complainant argues that the Respondent has virtually copied the Complainant's website pages from its online store, the MARK'S trademarks and other third-party brands such as Denver Hayes, FarWest, and Wind River featured on the Complainant's page. The Complainant contends that the Respondent is only using the disputed domain name to attract Internet users searching for the Complainant's website to its own e-commerce website, for commercial gain. The Complainant further contends that the Respondent is trying to cause confusion in the minds of general public by indicating some sort of affiliation or association with the Complainant's clothing retail business.

In support of its allegations with respect to the use of the disputed domain name, the Complainant has submitted screen captures of the Respondent's clothing retailer site hosted at the disputed domain name (Exhibit 9).

B. Respondent

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

6. Discussion and Findings

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 trademarks MARK'S and MARK'S WORK WEARHOUSE for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the trademark MARK'S is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the relevant marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms such as "official" and "online" 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 relevant marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

It is well-established that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms would not prevent the finding of confusing similarity under the first element. In the present case, the Panel notes that the addition of descriptive terms i.e. "official" and "online" following the dominant and similar term "marks" in the disputed domain name cannot prevent the Panel from a finding of confusing similarity between the disputed domain name <marksofficialonline.com> and the Complainant's MARK'S trademarks for the purposes of the Policy.

Concerning the combination with the generic Top-Level Domain (gTLD) ".com", it is well-established that it 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.

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.

The Panel notes that the Complainant has clarified that there has never been any relationship between the parties and that the Complainant neither licensed nor authorized the Respondent, to use or register any of the MARK’S trademarks in any manner, including as a part of the disputed domain name.

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.

Panels have held that the use of a domain name for illegitimate activity or illegal activity, such as copycat sites, or other types of fraud can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel specifically concurs with the Complainant’s allegation that the Respondent is masquerading as an online clothing retailer under the Complainant’s MARK’S trademarks in the disputed domain name and the website associated with it, to attract and direct Internet users to its own e-commerce website prima facie featuring the MARK’S trademark, and to exploit the Complainant’s business and trademarks. The Complainant has confirmed that the Respondent was never licensed or authorized to use or register the Complainant’s MARK’S trademarks in any manner. Accordingly, the Panel concludes that the Respondent lacks legitimate rights or interests in the disputed domain name and appears to have registered and used it to deceive Internet users for commercial gain by attempting to impersonate the Complainant.

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.

In the present case, the Panel notes that the Respondent has registered the disputed domain name, which contains the whole of the Complainant’s MARK’S trademark, to disrupt the business of the Complainant and to take advantage of the goodwill associated with its MARK’S trademarks. The Panel finds that the disputed domain name is being used to exploit, for commercial gain, Internet users who are likely to believe that there is some connection between the Respondent’s clothing retail website and the Complainant’s clothing retailer business website.

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.

Panels have held that the use of a domain name for illegitimate activity or illegal activity such as copycat sites, or other types of fraud constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the

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

The Panel finds that the Respondent is using the disputed domain name to impersonate the Complainant and attract Internet users to a copycat e-commerce website for commercial gain. The Panel finds that such registration and use are in bad faith and can cause significant harm to the Complainant's reputation, business, and goodwill in the MARK'S trademarks.

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 <marksofficialonline.com> be transferred to the Complainant.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: October 5, 2026