

ADMINISTRATIVE PANEL DECISION

Guntersville Breathables, Inc. v. 石军 (jun shi)
Case No. D2026-3643

1. The Parties

The Complainant is Guntersville Breathables, Inc., United States of America (“US”), represented by Maynard Nexsen PC, US.

The Respondent is 石军 (jun shi), China.

2. The Domain Name and Registrar

The disputed domain name <fishinggearfroggtoggs.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English 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 (NONE GIVEN, Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 21, 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 in English on August 25, 2026.

On August 21, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 25, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on August 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 20, 2026.

The Center appointed Jonathan Agmon as the sole panelist in this matter on September 25, 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 US company established in 1996 and headquartered in Alabama. It is a supplier and retailer of outdoor apparel and gear, including hunting and fishing gear and associated accessories. The Complainant has promoted and sold its products under the FROGG TOGGS mark since 1996, and through its website at <froggtoggs.com> since 1997.

The Complainant owns trademark registrations for FROGG TOGGS in the US. The Complainant's trademark registrations include the following:

- FROGG TOGGS, US Trademark Registration No. 7220979, registered on November 21, 2023;
- FROGG TOGGS, US Trademark Registration No. 3918685, registered on February 15, 2011; and
- FROGGTOGGS (and design), US Trademark Registration No. 2043826, registered on March 11, 1997.

The disputed domain name <fishinggearfroggtoggs.com> was registered on April 18, 2025. It resolves to a website displaying the FROGG TOGGS mark, through which the Respondent operates an online retail store purportedly offering for sale the Complainant's Frogg Toggs-branded goods.

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:

- It has made continuous and exclusive use of the mark FROGG TOGGS in connection with the Complainant's goods and services for about 30 years. It is the owner of the mark FROGG TOGGS due to its long, continuous, substantial and exclusive use of the mark and is the owner of trademark registrations for the mark.
- The disputed domain name includes the name "froggtoggs" which is identical to the Complainant's FROGG TOGGS mark. The addition of the generic/descriptive terms "fishinggear" does not prevent a finding of confusing similarity. The disputed domain name therefore appears and sounds similar to the FROGG TOGGS mark.
- The Respondent uses the disputed domain name to redirect Internet users to the Respondent's website at <fishinggearfroggtoggs.com> from which the Respondent operates an online retail store under the mark FROGG TOGGS and purportedly offers for sale and sells goods of the Complainant, all bearing the FROGG TOGGS mark.
- The Respondent's actions would cause consumers to likely mistakenly believe that the Complainant and the Respondent are somehow affiliated or that the Respondent's services originate from or are endorsed by the Complainant, when they are not.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Respondent is using the disputed domain name with intent for commercial gain to misleadingly divert

consumers or to tarnish the FROGG TOGGS trademark. Such use is not legitimate and does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

- The Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, the Complainant has not licensed or authorized the Respondent to use the disputed domain name or the FROGG TOGGS mark, and the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name or the FROGG TOGGS mark.
- By using the disputed domain name, the Respondent is intentionally attempting to attract for commercial gain, consumers of outdoor apparel and gear by causing such consumers to mistakenly believe that the Respondent is the Complainant or that the website hosted at the disputed domain name is hosted by the Complainant, when it is not.
- The Respondent was aware of the Complainant, the Complainant's goods and the Complainant's FROGG TOGGS mark when the Respondent registered the disputed domain name. Indeed, the Respondent has copied the Complainant's website at <froggtoggs.com> and displayed the copies on the Respondent's website at the disputed domain name.
- The Respondent is using the disputed domain name to misdirect consumers in search of the Complainant's website to the Respondent's website despite the Respondent's knowledge of the Complainant, the Complainant's goods and services and the Complainant's FROGG TOGGS mark.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that (i) the disputed domain name is in the English language and incorporates Latin characters, rather than Chinese characters; (ii) the website content to which the disputed domain name resolves contains information in the English language only; (iii) the Complainant's business is conducted primarily in English; and (iv) the Complainant will be put through significant costs and additional burden if the Complaint and evidence had to be translated into Chinese.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 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 entirety of the FROGG TOGGS mark is reproduced and recognizable within the disputed domain name. The addition of the terms "fishing" and "gear" and the addition of the generic Top-Level Domain ".com" do not prevent a finding of confusing similarity for the purposes of the Policy.

Accordingly, 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. 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, here, copying the Complainant's website and using the Complainant's trademark, designs and other copyrightable elements, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 copied the Complainant's website, trademark and designs, and thus intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

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, here, copying the Complainant's website and using the Complainant's trademark, designs and other copyrightable elements, 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 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 <fishinggearfroggtoggs.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: October 1, 2026