ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Hyperlite Mountain Gear Inc. v. Franchesco Newman
Case No. D2026-3663

1. The Parties

Complainant is Hyperlite Mountain Gear Inc., United States of America ("United States"), represented by Bernstein Shur, United States.

Respondent is Franchesco Newman, United States.

2. The Domain Name and Registrar

The disputed domain name <shophyperlite.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 14, 2026. On August 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 19, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from named Respondent (DYNADOT LLC, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on August 19, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed amended Complaints on August 19, 2026, and August 20, 2026, respectively.

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 Respondent of the Complaint, and the proceedings commenced on August 21, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 10, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 11, 2026.

The Center appointed Jeffrey D. Steinhardt as 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

Complainant is a United States-based outdoor equipment manufacturer founded in 2009 and specializing in ultralight backpacks, shelters and other accessories.

Complainant owns registrations for the HYPERLITE family of marks, including for example: United States Trademark Registration No. 5273867 HYPERLITE, registered in classes 18, 20, and 22 on August 29, 2017; and United States Trademark Registration No. 5079204  (logo consisting of letter H plus stylized mountain design), registered in classes 18, 20, 22, 25, and 35 on November 8, 2016.

The disputed domain name was registered on June 14, 2026, and the disputed domain name resolves to a website that includes images and purports to offer goods very similar or identical to those offered on Complainant's official website at "www.hyperlitemountaingear.com". The Panel notes that Respondent's website also has prominently displays Complainant's registered trademark and logo, which it also used as a favicon.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that Respondent is using its trademark in the disputed domain name without authorization for a website that "uses images and product descriptors that are identical and/or highly similar to the Complainant." Without providing specific details, Complainant also avers that Respondent uses the disputed domain name to promote products that directly compete with Complainant's products.

B. Respondent

Respondent did not reply to 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.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, “shop”) may bear on assessment of the second and third elements, the Panel finds that the addition of that sole term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The Panel finds that the first element of paragraph 4(a) 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.

In this case, the evidence shows that Respondent has used Complainant’s trademarks, including Complainant’s registered logo on the website to which the disputed domain name resolves. The Panel notes that the goods being promoted appear to be similar to those promoted by Complainant on its official website. The Panel accepts Complainant’s unopposed allegations that Respondent is not authorized or licensed by Complainant to make use of Complainant’s trademarks.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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, alleged impersonation, displaying Complainant’s registered trademarks without authorization, and passing off) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel finds that the second element of Policy paragraph 4(a) 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 again notes that Respondent has, without authorization, used Complainant’s trademarks (including Complainant’s registered logo) on the website to which the disputed domain name resolves and that the goods being promoted appear to be similar to those promoted by Complainant on its official website. The Panel finds that Respondent has “intentionally attempted to attract, for commercial gain, Internet users to your [Respondent’s] web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark” in the sense of bad faith under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity (here, alleged impersonation, displaying Complainant’s registered trademarks without authorization, and passing off) constitutes bad faith.

WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds that Respondent's registration and use of the disputed domain name constitute bad faith under 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.

The Panel finds that Respondent's failure to respond to the Complaint is further evidence of bad faith.

The Panel finds that the third element of paragraph 4(a) of the Policy has also been established.

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 <shophyperlite.shop> be transferred to the Complainant.

/Jeffrey D. Steinhardt/
Jeffrey D. Steinhardt
Sole Panelist
Date: September 25, 2026