

ADMINISTRATIVE PANEL DECISION

Musco Holding, LLC d/b/a Musco Sports Lighting, LLC f/k/a Musco Corporation v. he jxing
Case No. D2026-3878

1. The Parties

The Complainant is Musco Holding, LLC d/b/a Musco Sports Lighting, LLC f/k/a Musco Corporation, United States of America ("United States"), represented by Fredrikson & Byron, PA, United States.

The Respondent is he jxing, China.

2. The Domain Names and Registrar

The disputed domain names <muscousa.com> and <muscous.com> (collectively, the "Disputed Domain Names") are registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 28, 2026. On August 31, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On September 1, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 2, 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 on September 9, 2026.

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 of the Complaint, and the proceedings commenced on September 11, 2026. In accordance with the Rules,

paragraph 5, the due date for Response was October 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 7, 2026.

The Center appointed Nicholas Weston as the sole panelist in this matter on October 12, 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 United States company founded in 1976 that operates a business in the design and manufacture of lighting solutions for sports, transportation, infrastructure, and other large-area applications. The Complainant holds a number of registrations for the trademark MUSCO and variations of it in the United States including United States Registration No. 1326319 for MUSCO registered on March 19, 1985.

The Complainant operates its main website from the domain name <musco.com> which advertises and promotes its sports lighting products and services.

The Disputed Domain Name <muscousa.com> was registered on August 12, 2026.

The Disputed Domain Name <muscous.com> was registered on April 22, 2026.

The Disputed Domain Names both resolved to websites displaying the MUSCO trademark and products that appeared to be the same or similar to those offered by the Complainant. The Disputed Domain Names do not currently resolve to active websites.

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 Names.

Notably, the Complainant cites its trademark registrations for the mark MUSCO and variations of it, as prima facie evidence of ownership.

The Complainant contends that its rights in the MUSCO mark predate the Respondent's registration of the Disputed Domain Names "by decades". It submits that the Disputed Domain Names are confusingly similar to its trademark, because each is comprised of the MUSCO trademark along with geographical terms such as "usa" and "us" under the generic Top-Level Domain ("gTLD") ".com", and that these variables are not sufficient to avoid a finding of confusing similarity.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names because the Respondent has not been authorized by the Complainant to register or use the Disputed Domain Names, that "using the [D]isputed [D]omain [N]ames to host fraudulent websites that impersonate the Complainant" is not a bona fide offer of goods and services, and that none of the circumstances set out in paragraph 4(c) of the Policy apply.

Finally, the Complainant alleges that the registration and use of the Disputed Domain Names were, and currently are, in bad faith, contrary to the Policy and the Rules having regard to the "distinctive and well-known" nature of the Complainant's trademark, and advances the argument that the use of the Disputed Domain Names to purport to imitate the Complainant's website demonstrates an attempt to mislead the public and is use in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant has the burden of proving the following:

- (i) that the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names; and
- (iii) that the Disputed Domain Names have been registered and are 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 Names. 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 a trademark or service mark for the purposes of the Policy. The requirements of the first element for purposes of the Policy may be satisfied by a trademark registered in any jurisdiction. [WIPO Overview 3.1](#), section 1.2.1. The Complainant has produced sufficient evidence to demonstrate that it has registered trademark rights in the mark MUSCO.

Turning to whether the Disputed Domain Names are identical or confusingly similar to the MUSCO trademark, the Panel observes that

- the Disputed Domain Name <muscousa.com> is comprised of: (a) the Complainant's trademark; (b) followed by the letters "usa"; (c) followed by the gTLD ".com".
- the Disputed Domain Name <muscos.com> is comprised of: (a) the Complainant's trademark; (b) followed by the letters "us"; (c) followed by the gTLD ".com".

It is well established that the gTLD used as part of a domain name is generally disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1. The relevant comparison to be made is with the second-level portion of each of the Disputed Domain Names, specifically: "muscousa" and "muscos", respectively.

The Panel finds that the mark is recognizable within the Disputed Domain Names. Accordingly, the Disputed Domain Names are confusingly similar to the mark for the purposes of the Policy.

Although, the addition of terms such as "usa" or "us", may bear on assessment of the second and third elements in relation to the Disputed Domain Names, the Panel finds the addition of those terms does not prevent a finding of confusing similarity between the Disputed Domain Names and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 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 Disputed Domain Names (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 finds that there is no indication that the Respondent was commonly known by the term “musco” prior to registration of the Disputed Domain Names. The Complainant has not licensed, permitted, or authorized the Respondent to use the trademark MUSCO. The Panel also notes that the Disputed Domain Names contain the terms “usa” and “us” respectively, and this Panel accepts the Complainant’s submission that this creates the false impression that the Respondent’s websites are related to, authorized by, or affiliated with the Complainant, particularly considering the United States domicile of the business in which the Complainant is engaged in, and thereby carries a risk of implied affiliation. [WIPO Overview 3.1](#), section 2.5.1.

The Panel notes the evidence that the Disputed Domain Names each resolve to webpages that imitate the Complainant’s branding and content, and finds that this does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the evidenced reputation and goodwill of the Complainant’s mark or capacity to otherwise mislead Internet users. Impersonating use in this manner can never confer rights or legitimate interests upon a respondent. [WIPO Overview 3.1](#), section 2.13.

The Panel accepts the evidence that each of the Disputed Domain Names currently resolves to inactive webpages, and finds that this, too, does not represent a bona fide offering of goods or services, or a legitimate noncommercial or fair use, given the capacity to mislead Internet users due to the composition of the Disputed Domain Names.

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 Names. 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 Names such as those enumerated in the Policy or otherwise.

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.

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 finds that the evidence in the case shows the Respondent registered and has used the Disputed Domain Names in bad faith.

On the issue of registration, taking into account the composition of the Disputed Domain Names, containing geographical terms such as “usa” and “us” respectively, and the distinctive nature of the Complainant’s trademark, the Panel is satisfied that the Respondent knew of and targeted the Complainant’s trademark MUSCO when it registered the Disputed Domain Names.

This Panel finds that there is no reason for the Respondent to have registered the Disputed Domain Names other than to trade off the reputation and goodwill of the Complainant’s well-known trademark. [WIPO Overview 3.1](#), section 3.1.4.

Further, a gap of several years between registration of a complainant’s trademark and a respondent’s registration of a disputed domain name (containing the trademark) can indicate bad faith registration. In this case, the Respondent registered the Disputed Domain Names some 41 years after the Complainant established registered trademark rights in the MUSCO mark.

On the issue of use, the Complainant’s evidence is that the Disputed Domain Names each resolved to a website where internet users can supposedly purchase MUSCO branded goods and services.

In assessing whether the Respondent’s registration of the Disputed Domain Names are in bad faith the Panel has taken into account: (i) the Disputed Domain Names incorporate the Complainant’s mark plus a geographic term, that corresponds to the Complainant’s United States domicile, (ii) the content of the websites to which the Disputed Domain Names resolve to being apparently lifted or copied from the Complainant’s own website, and (iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent’s choice of the Disputed Domain Names. The evidence suggests that the Respondent has targeted the Complainant. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation or passing off, 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 Names constitutes bad faith under the Policy.

The Disputed Domain Names do not appear to currently resolve to an active website.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent’s taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of its registration agreement). Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that, the more arbitrary or distinctive a mark the less plausible a claimed non-infringing good faith use is likely to be, and vice versa. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the Complainant’s distinctive trademark, and the composition and prior use of the Disputed Domain Names, and finds that in the circumstances of this case the passive holding of the Disputed Domain Names do not prevent a finding of 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 Names <uscousa.com> and <uscous.com> be transferred to the Complainant.

/Nicholas Weston/

Nicholas Weston

Sole Panelist

Date: October 26, 2026.