ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Yakima Products, Inc. v. Margaret Allen
Case No. D2026-3882

1. The Parties

Complainant is Yakima Products, Inc., United States of America ("United States"), represented by Buchalter LLP, United States.

Respondent is Margaret Allen, United States.

2. The Domain Name and Registrar

The disputed domain name <yakimausa.shop> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 29, 2026. On August 31, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 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 Complainant on September 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 10, 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 5, 2026.

The Center appointed Timothy D. Casey as the sole panelist in this matter on October 7, 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 sells vehicle cargo accessories, bicycle carriers, and cargo boxes through a website at the <yakima.com> domain name under the YAKIMA trademarks set forth below (the "YAKIMA Marks"). Complainant began using one of the YAKIMA Marks as early as 1981. Complainant owns the following registrations:

Mark	Jurisdiction	Class(es)	Registration No.	Registration Date
YAKIMA	United States	12	1,508,043	October 11, 1988
YAKIMA (Design)	United States	12	1,509,179	October 18, 1988
YAKIMA	United States	12	4,395,411	September 3, 2013

The disputed domain name was registered on June 30, 2026. Complainant provided evidence indicating that as of the filing of the Complaint, the disputed domain name resolved to a website providing an online retail store selling vehicle cargo accessories identified and labeled as Yakima under the banner of Yakima Supply, which were heavily discounted, and including images copied from Complainant's website.

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 it has rights in the YAKIMA Marks as evidenced herein, and that the disputed domain name is confusingly similar to the YAKIMA Marks because the disputed domain name includes the entirety of the YAKIMA Marks and only adds the non-distinctive term "usa" to the disputed domain name, plus a generic Top-Level Domain.

Complainant contends Respondent should be considered to have no rights or legitimate interests in the disputed domain name. Complainant asserts Respondent is not known by the disputed domain name and could not have developed any rights in the YAKIMA Marks. Complainant asserts Respondent is not affiliated with Complainant, and Complainant has not licensed or permitted Respondent to use the YAKIMA Marks, any other of Complainant's marks, or any domain names incorporating them. Complainant contends Respondent is not making a legitimate noncommercial or fair use of the disputed domain name because Respondent is using the disputed domain name for a copycat website that features YAKIMA-branded products and including copyright-protected images from Complainant's website. Complainant conducted a test purchase from Respondent's website that resulted in the collection of personal and financial information from a customer and generated a message indicating that the customer's type of credit card was not accepted, despite Respondent's website indicating that it accepted that type of credit card. Complainant contends this is evidence that Respondent is attempting to deceive consumers seeking out YAKIMA-branded products rather than legitimately reselling goods.

Complainant contends the disputed domain name was registered by Respondent for the primary purposes of deceiving third parties as to Respondent's identity or connection with Complainant and disrupting the business of Complainant, as evidenced by Respondent's copying of Complainant's website and Respondent's use of Complainant's product images and trademarks on the same. Complainant further contends that Respondent's submission of a false or fictitious address to the Registrar is also bad faith.

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 Complainant's YAKIMA Marks 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 YAKIMA Marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the YAKIMA Marks for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, the geographically descriptive "usa", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 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 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, a claimed copycat website, 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 Respondent's website copies numerous aspects of Complainant's website, including the use of branding and copyright protected images taken from Complainant's website and that while Respondent's website purports to offer YAKIMA-branded goods at significant discount, it was not possible for a test buyer to purchase the goods after entering personal and financial information. Respondent appears to be intentionally attempting to disrupt the business of Complainant and to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's YAKIMA Marks.

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, a claimed copycat website, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that 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 <yakimausa.shop> be transferred to Complainant.

/Timothy D. Casey/
Timothy D. Casey
Sole Panelist
Date: October 22, 2026