

ADMINISTRATIVE PANEL DECISION

The NOCO Company v. blick simon
Case No. D2026-3921

1. The Parties

The Complainant is The NOCO Company, United States of America ("United States" or "U.S."), represented by Jones Day, United States.

The Respondent is blick simon, United States.

2. The Domain Name and Registrar

The disputed domain name <nocostores.com> (the "Disputed Domain Name") is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 2, 2026. On September 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 5, 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 (Privacy Protected c/o Cosmotown) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 7, 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 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 5, 2026.

The Center appointed Douglas M. Isenberg 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 states that it was established in 1914; that it “designs and creates premium consumer battery chargers, jump starters, air compressors, charging docks, and batteries, as well as a wide range of accessories”; and that it “sells its NOCO-branded products to end-consumers through its website at <no.co> (the ‘NOCO Website’), online retailers such as Amazon.com and TikTok Shop, and brick-and-mortar retailers, which include mass merchandisers and automotive shops such as AutoZone, Bass Pro Shops, Canadian Tire, Halfords, NAPA, and Walmart.”

Complainant further states, and provides documentation in support thereof, that it is the owner of trademark registrations for NOCO in “numerous jurisdictions” (the “NOCO Trademark”), including the following in the United States:

- U.S. Reg. No. 1,165,271 for NOCO (registered August 18, 1981) for use in connection with, inter alia, “hand tools for use with batteries”
- U.S. Reg. No. 1,302,394 for NOCO (registered October 30, 1984) for use in connection with, inter alia, “electrical equipment and accessories”
- U.S. Reg. No. 1,448,049 for NOCO (registered July 21, 1987) for use in connection with, inter alia, “chemical cleaning compounds for use on glass and automotive parts”.

The Disputed Domain Name was created on May 31, 2026. As stated in the Complaint, and as confirmed by an annex submitted therewith: “Until August 31, 2026, when the Disputed Domain Name was suspended, the website at the Disputed Domain Name used [Complainant’s] registered trademarks, copyright-protected photographs, copy, and product descriptions (the ‘Infringing Website’) to impersonate [Complainant]. The Infringing Website was nearly identical to the NOCO Website – from the Air Lithium products highlighted on the homepage, to the copyright notice in the website footer reading ‘Copyright © 2026 NOCO. All Rights Reserved,’ to the About page which copied The NOCO Company’s historic photographs and origin story.”

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, in relevant part, that:

- The Disputed Domain Name is identical or confusingly similar to the NOCO Trademark because the Disputed Domain Name incorporates the NOCO Trademark “in its entirety”; and “the addition of the generic term ‘stores’ to the Disputed Domain Name increases its confusing similarity to the NOCO Marks because ‘stores’ refers to NOCO’s retail business”.
- Respondent has no rights or legitimate interests in the Disputed Domain Name because “there is no relationship or affiliation between [Complainant] and Respondent giving rise to any license, permission, or other right by which Respondent could own or use any domain name incorporating The NOCO Company’s registered trademark, NOCO”; “Respondent is not commonly known by the Disputed Domain Name”; and “Respondent has not used the Disputed Domain Name or a name corresponding to

the Disputed Domain Name in connection with a bona fide offering of goods or services (or demonstrated that it is preparing to use the Disputed Domain Name in this way)” and has not “used the Disputed Domain Name for any legitimate non-commercial or fair use purpose” but instead has “used the Disputed Domain Name to direct consumers to the Infringing Website, which impersonated [Complainant] and purported to offer [Complainant’s] products at significant discounts”.

- The Disputed Domain Name was registered and is being used in bad faith because “[g]iven the notoriety of the NOCO Marks, and the use of the Disputed Domain Name to create a spoof of the NOCO Website, Respondent clearly knew of the NOCO Marks at the time of registration of the Disputed Domain Name”; “[t]he NOCO Marks are well known worldwide, and Respondent registered the Disputed Domain Name in 2026 – more than forty years after [Complainant] first registered the NOCO Marks and sixteen years after [Complainant] registered the domain name <no.co>”; and “[t]he Infringing Website was a near-mirror image of pages from the NOCO Website, and used the NOCO Marks and The NOCO Company’s copyright-protected photographs, imagery, text, product descriptions, and advertising materials to create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Infringing Website and the products sold on the site”.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

Based upon the trademark registrations cited by the Complainant, it is apparent that the Complainant has rights in and to the NOCO Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to the NOCO Trademark, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., “nocostores”) because “[t]he applicable Top-Level Domain (‘TLD’) in a domain name (e.g., ‘.com’, ‘.club’, ‘.nyc’) 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.

As set forth in section 1.7 of [WIPO Overview 3.1](#), “in cases where a domain name incorporates the entirety of a trademark,... the domain name will normally be considered confusingly similar to that mark”. Further, as set forth in section 1.8 of [WIPO Overview 3.1](#), “[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”. Here, the Disputed Domain Name contains the entirety of the NOCO Trademark, and the addition of the word “stores” does not prevent a finding of confusing similarity.

The Panel finds that the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has argued that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “there is no relationship or affiliation between [Complainant] and Respondent giving rise to any license, permission, or other right by which Respondent could own or use any domain name incorporating The NOCO Company’s registered trademark, NOCO”; “Respondent is not commonly known by the Disputed Domain Name”; and “Respondent has not used the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services (or demonstrated that it is preparing to use the Disputed Domain Name in this way)” and has not “used the Disputed Domain Name for any legitimate non-commercial or fair use

purpose” but instead has “used the Disputed Domain Name to direct consumers to the Infringing Website, which impersonated [Complainant] and purported to offer [Complainant’s] products at significant discounts”.

[WIPO Overview 3.1](#), section 2.1, states: “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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.”

The Panel finds that the Complainant has established its prima facie case and without any evidence from the Respondent to the contrary, the Panel is satisfied that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in the Policy: (i) circumstances indicating that the registrant has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant’s documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant’s website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the registrant’s website or location or of a product or service on the registrant’s website or location. Policy, paragraph 4(b).

By using the Disputed Domain Name in connection with a website that appears to be a website for, or associated with, Complainant – by, among other things, using the NOCO Trademark on its website along with “copyright-protected photographs, copy, and product descriptions” – Respondent has clearly created a likelihood of confusion pursuant to paragraph 4(b)(iv) of the Policy. See, e.g., *The Dow Chemical Company v. dawaychemical eva_hwang@21cn.com +86.7508126859*, WIPO Case No. [D2008-1078](#) (finding bad faith where complainant alleged that respondent’s website “fraudulently impersonat[ed] the Complainant” because “[t]he Respondent was clearly specifically targeting the Complainant’s trademark and attempting to divert Internet users searching for the Complainant’s product to the Respondent’s website”); *Emu (Aus) Pty Ltd. and Emu Ridge Holdings Pty Ltd. v. Antonia Deinert*, WIPO Case No. [D2010-1390](#) (“a reasonable person who visited the Respondent’s website was likely to be misled in relation to the source, sponsorship, affiliation, or endorsement of the website and the products purportedly made available for online sale on the website”); and *Cantor Fitzgerald Securities, Cantor Index Limited v. Cantor Index*, WIPO Case No. [D2010-0807](#) (finding bad faith where “Respondent copied text, logos and other elements from Complainant’s website”).

The fact that the website using the Disputed Domain Name was inactive when the Complaint was filed (apparently only after Complainant submitted an abuse report to the Registrar) is irrelevant and cannot avoid a finding of bad faith. As this Panel wrote in a previous decision:

[T]he Panel... is satisfied that Respondent's prior usage satisfies the bad faith element of the Policy. The Policy's reference to how a disputed domain name "is being used" need not refer to usage as of a specific date. What matters is what use a respondent has made of a disputed domain name, regardless of whether such usage differs from an earlier date until the current date (albeit also noting that changes after notice of a complainant's rights may further support a finding of bad faith). To rigidly require otherwise would enable a respondent to avoid liability under the Policy simply by changing how it uses a disputed domain name. See, e.g., *Merryvale Limited v. Gera Safin*, WIPO Case No. [D2021-1812](#) (finding bad faith based on how the disputed domain name was used "[p]rior to suspension of the Disputed Domain Name by the Registrar after the Complainant's filing of an abuse report"); *Postnet International v. Manjo Morias*, WIPO Case No. [D2021-3880](#) (finding bad faith where "[t]he disputed domain name previously redirected to a website that purported to offers services which were identical or similar to the services that is offered by the Complainant" and "[t]he fact that the website appears to be unavailable at present does not alter this finding"); and *Ports Group AB v. WhoisGuard Protected, WhoisGuard, Inc. / Ayed Alotaibi*, WIPO Case No. [DCC2020-0008](#) (finding bad faith based on how "the disputed domain name used to resolve" prior to being suspended by the respondent's hosting provider following a request from the complainant). *Chevron Corporation, Chevron Intellectual Property LLC v. Emma Walker, Chevron Technology Ventures*, WIPO Case No. [D2026-1740](#).

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 <nocostores.com> be transferred to the Complainant.

/Douglas M. Isenberg/

Douglas M. Isenberg

Sole Panelist

Date: October 15, 2026