ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Epic Gardening, Inc. v. Chen
Case No. D2026-4109

1. The Parties

The Complainant is Epic Gardening, Inc., United States of America ("US"), represented by Lee & Hayes, PC, United States of America.

The Respondent is Chen, China.

2. The Domain Name and Registrar

The disputed domain name <epicgardenings.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 12, 2026. On September 14, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 15, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on September 16, 2026, providing the registrant and contact information disclosed by the Registrar.

The Center verified that 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 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 7, 2026.

The Center appointed José Ignacio San Martín Santamaría as the sole panelist in this matter on October 13, 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 Epic Gardening is a well-known seller of gardening products through its e-commerce storefront at located at their website, “www.epicgardening.com”, operating under the EPIC GARDENING and EPIC marks.

The Complainant is the proprietor of several trademark registrations for those marks, among them:

- US trademark registration No. 7847833 for EPIC GARDENING (fig), filed on July 11, 2024, and registered on July 1, 2025, for services in classes 35 and 41.
- US trademark registration No. 7191676 for EPIC GARDENING, filed on April 23, 2019, and registered on October 17, 2023, for services in classes 35 and 44.

The disputed domain name <epicgardenings.com> was registered on February 25, 2026. The disputed domain name hosts a website which apparently sells discounted gardening products, reproducing the Complainant’s trademark and including expressions such as “© 2026, Epic Gardening”.

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:

- The Complainant is the world’s most-followed gardening brand and online garden store. The Complainant has grown from a side project into a multi-million-dollar enterprise operating under its EPIC and EPIC GARDENING marks.

- The domain name <epicgardening.com> has been registered by the Complainant since February 20, 2013.

- The Complainant has received numerous inquiries from consumers who have confused the disputed domain name with the Complainant’s legitimate website and website offering.

- The Respondent’s disputed domain name <epicgardenings.com> encompasses the entirety of the Complainant’s EPIC Marks, with only the addition of the letter “s.”.

- The Respondent has no rights or legitimate interests with respect to the disputed domain name. The Complainant did not authorize the Respondent to register the disputed domain name.

- Instead, the Respondent uses the disputed domain name, as well as images taken directly from the Complainant’s own website, to unlawfully impersonate the Complainant in an attempt to deceive consumers into believing they have reached a website that is operated by, endorsed by, or otherwise affiliated with the Complainant.

- the Respondent registered and uses the disputed domain name in bad faith. Namely, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent’s website or other on-line location, by creating a likelihood of confusion with the

Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on its website or location.

As a consequence, the Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy and 15 of the Rules, the Panel shall grant the remedies requested if the Complainant proves that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

Pursuant to paragraph 4(a) of the Policy and 15 of the Rules, for this purpose the Panel shall decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable, including UDRP jurisprudence as articulated in WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition (WIPO Overview 3.1).

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 EPIC GARDENING mark is reproduced within the disputed domain name, simply adding the letter "s". Accordingly, the disputed domain name is almost identical and therefore confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

It has been held in many UDRP decisions and has become a consensus view among panelists (see WIPO Overview 3.1, section 1.8), that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms or letters would not prevent a finding of confusing similarity under the first element of the UDRP.

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant's trademark as provided under paragraph 4(a)(i) of the Policy.

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.

The Respondent's use cannot be considered as a bona fide offering of goods or services or a legitimate noncommercial or fair use. The Panel notes that the composition of the disputed domain name carries a risk of implied affiliation. Panels have held that the use of a domain name for illegitimate activity as impersonation/passing off, or other types of fraud, 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 disputed domain name reproduces the Complainant's mark and the Respondent's website apparently sells discounted gardening products, reproducing the Complainant's trademark and logo and including expressions such as "© 2026, Epic Gardening", thus clearly impersonating the Complainant.

According to paragraph 4(b)(iv) of the Policy, registration or use of a domain name will be considered in bad faith when:

"by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

As mentioned in *Andrey Ternovskiy dba Chatroulette v. Alexander Ochkin*, WIPO Case No. D2017-0334:

"It is clear in the Panel's view that in the mind of an Internet user, the disputed domain names could be directly associated with the Complainant's trademark, which is likely to be confusing to the public as suggesting either an operation of the Complainant or one associated with or endorsed by it (see *AT&T Corp. v. Amjad Kausar*, WIPO Case No. D2003-0327)."

As reminded in section 3.1.4 of the WIPO Overview 3.1:

"Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith."

The Panel finds that the disputed domain name was registered and used in bad faith, and the Complainant has thus 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 <epicgardenings.com> be transferred to the Complainant.

/José Ignacio San Martín Santamaría/
José Ignacio San Martín Santamaría
Sole Panelist
Date: October 22, 2026