ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Martin Audio Limited v. 胡博 (bo), 成都巾轩科技有限公司 (chengdoujinxuankejiyouxiangongsi)
Case No. D2026-4118

## 1. The Parties

Complainant is Martin Audio Limited, United Kingdom, represented by Focusrite Group, United Kingdom.

Respondent is 胡博 (bo), 成都巾轩科技有限公司 (chengdoujinxuankejiyouxiangongsi), China.

## 2. The Domain Name and Registrar

The disputed domain name <martinaudiosubwoofer.com> (the "Domain Name") is registered with Xin Net Technology Corporation (the "Registrar").

## 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on September 14, 2026. On September 15, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 16, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on September 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint in English on the same day.

Complainant requested in the Complaint that English be the language of the proceeding.

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 Respondent of the Complaint, and the proceedings commenced on September 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2026. On October 16, 2026, the Center informed the Parties in

Chinese and English that the language of the Registration Agreement for the Domain Name is Chinese, and extended the due date for Response to October 26, 2026. Respondent did not submit any response or comments on Complainant's language request. Accordingly, the Center notified Respondent's default on October 30, 2026.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on November 3, 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

Since 1971, Complainant has offered goods and services in the audio industry, including loudspeakers, subwoofers and software. Complainant owns several registered trademarks in various jurisdictions for the MARTIN AUDIO mark, including:

- European Union registered Trade Mark number 2250348 for the MARTIN AUDIO word mark, registered on October 8, 2002;
- United States of America registered trademark number 2822109 for the MARTIN AUDIO word mark, registered on March 16, 2004; and
- Chinese registered trademark number 7999922 for the MARTIN AUDIO word mark, registered on September 7, 2011.

Complainant's MARTIN AUDIO trademarks will be referred to collectively as the MARTIN AUDIO trademark. Complainant also owns and operates the domain name <martin-audio.com>, as its official business website.

The Domain Name was registered on August 24, 2026 and resolved to a website that promotes itself as Complainant, offering goods and services identical to those offered by Complainant.

## 5. Parties' Contentions

### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that (i) the Domain Name is confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for MARTIN AUDIO and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known MARTIN AUDIO products and services.

Complainant notes that it has no affiliation with Respondent, nor has it authorized Respondent to register or use domain names which include Complainant's trademarks, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights. Specifically, Complainant argues that Respondent used the Domain Name to impersonate or pose as Complainant by setting up a website presenting itself as Complainant, including reproducing Complainant's history on the website, prominently displaying Complainant's MARTIN AUDIO trademark on the website and promoting the same goods offered by Complainant.

**B. Respondent**

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

### 6.1. Preliminary Issue: Language of the Proceedings

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceedings shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

Complainant submitted its original Complaint in English. In its Complaint, Complainant submitted its request that the language of the proceedings should be English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Chinese. Respondent did not submit any comment on Complainant's submission.

Complainant submits that the Domain Name is comprised of English letters; that the Domain Name resolves to a website that contains content that is entirely in English; that the "Contact Us" section on the website is in English; and that it would be burdensome, costly, and result in delay, if Complainant is required to translate the Complaint into Chinese and participate in the current proceedings in Chinese.

In exercising its discretion to use a language other than that of the Registration Agreement for the Domain Name, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time, and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

The Panel accepts Complainant's submissions regarding the language of the proceedings. The Panel also notes that the Domain Name contains Complainant's MARTIN AUDIO trademark in its entirety, together with an English term "subwoofer" and that the Center notified the Parties in Chinese and English of the language of the proceedings as well as notified Respondent in Chinese and English of the Complaint. Respondent chose not to comment on the language of the proceedings, nor did Respondent choose to file a Response in Chinese or English, and under paragraph 11(a) of the Rules, the Panel may determine the language of the proceedings having taken into consideration the totality of the circumstances.

Having considered all the circumstances of this case, the Panel determines that English be the language of the proceedings.

### 6.2 Substantive Issues

WIPO Overview 3.1 states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

**A. Identical or Confusingly Similar**

Complainant has provided evidence of its rights in the MARTIN AUDIO trademark, as noted above. Complainant has therefore proven that it has the requisite rights in the MARTIN AUDIO trademark. Complainant also owns and operates the domain name <martin-audio.com> as its business website.

With Complainant's rights in the MARTIN AUDIO trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it was registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademarks. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. D2010-0842.

Here, the Domain Name is confusingly similar to Complainant's MARTIN AUDIO trademark. The MARTIN AUDIO trademark is recognizable in the Domain Name.

The addition of the term "subwoofer" after Complainant's MARTIN AUDIO trademark in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the MARTIN AUDIO trademark. See section 1.8 of the WIPO Overview 3.1.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

**B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. D2008-1393. Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its MARTIN AUDIO trademark and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the MARTIN AUDIO trademark or to seek registration of any domain name incorporating this trademark. Respondent is also not known to be associated with the MARTIN AUDIO trademark and there is no evidence showing that Respondent has been commonly known by the Domain Name, and rather it appears the Domain Name was chosen in furtherance of its scheme impersonating Complainant.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, Respondent used the Domain Name to set up a website that presents itself as Complainant, including reproducing Complainant's history, prominently displaying Complainant's registered MARTIN AUDIO trademark, and featuring products offered by Complainant, essentially impersonating Complainant but luring potential customers to their website with unauthorized use of Complainant's trademark. Such use of the Domain Name is misleading and may result in giving the false impression to Internet users that the Domain Name is owned by Complainant. The resulting confusion would cause damage to Complainant's reputation and goodwill, and interfere with Complainant's business activities.

UDRP panels have consistently held that use of a domain name for illegal activity — such as passing off — can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie showing that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that

Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

**C. Registered and Used in Bad Faith**

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

"(i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) you have 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 you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the MARTIN AUDIO trademark long predate the registration of the Domain Name. Complainant is also well established and known. Therefore, and also noting the below use analysis, Respondent was clearly aware of the MARTIN AUDIO trademark when it registered the Domain Name.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. D2011-2209; *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. D2001-1070; and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. D2006-0007.

Moreover, the inclusion of Complainant's trademark in its entirety in the Domain Name, further reflects the awareness that Respondent had of Complainant and its trademarks at the time of registration. Such adoption of Complainant's trademark at the time of registration of the Domain Name, viewed together with the website content, illustrates Respondent's effort to mislead Internet users as to the Domain Name's association with Complainant.

Furthermore, Respondent registered and is using the Domain Name to confuse and mislead consumers looking for the bona fide and well-known MARTIN AUDIO products of Complainant, as noted above. Furthermore, Respondent used the Domain Name in an attempt to solicit and induce Internet users to provide personal information, including names, addresses, email addresses, and phone numbers, to obtain product inquiries which may result in purchase of what consumers may think are Complainant's authentic MARTIN AUDIO products. Such solicitation and deception may result in Respondent obtaining information from consumers looking for genuine products from Complainant and may result in deception, fraud, financial loss and loss of private information.

The resulting confusion from such impersonation would cause damage to Complainant's reputation and goodwill, and interfere with Complainant's business activities. The use of a domain name for such impersonation/passing off shows Respondent's acts of bad faith, and is not rebutted by Respondent.

UDRP panels have consistently held that a respondent's use of a domain name to trade off goodwill in a complainant's well-known trademark and impersonate complainant constitutes bad faith. Moreover, such use of the Domain Name may potentially result in tarnishing Complainant's reputation and goodwill.

Further, the Panel also notes the failure of Respondent to submit a response. In the present circumstances, considering the reputation of the MARTIN AUDIO trademark and the use of the Domain Name, the Panel finds that Respondent registered and is using the Domain Name in bad faith.

Therefore, the Panel finds that Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <martinaudiosubwoofer.com> be transferred to Complainant.

*/Kimberley Chen Nobles/*
**Kimberley Chen Nobles**
Sole Panelist
Date: November 13, 2026