ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
FLRish IP, LLC v. JASON Adkins
Case No. D2026-4374

1. The Parties

The Complainant is FLRish IP, LLC, United States of America ("U.S." or "United States"), represented by Crown, LLP, United States.

The Respondent is JASON Adkins, United States.

2. The Domain Name and Registrar

The disputed domain name <kingpenofficialwebsite.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 1, 2026. On October 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 4, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 5, 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 amended Complaint on October 5, 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 the Respondent of the Complaint, and the proceedings commenced on October 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 28, 2026.

The Center appointed Dennis A. Foster as the sole panelist in this matter on October 30, 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 California, U.S. company that sells smoking articles, including cannabis products and related goods and services. Conducting business under the KINGPEN trademark since 2015, the Complainant has obtained registrations for that mark with trademark agencies throughout the world, including with the Canadian Intellectual Property Office ("CIPO"): Registration No. TMA1149543; registration date November 2, 2022; International Class 5 for medical marijuana and cannabis related products. The Complainant also owns a trademark registration for the KINGPEN mark with Uruguay's National Directorate of Industrial Property ("NDIP"): Registration No. 500228; registration date June 16, 2021; International Classes: 9 for electronic cigarette batteries, and 34 for herbs for smoking.

The manufacture and sale of cannabis products in the U.S. is closely regulated in some states, and illegal in others.

The Respondent, a U.S. resident, owns the disputed domain name , which was registered on May 1, 2026. The disputed domain name resolves to a website that purports to sell products and services that the Complainant also sells.

5. Parties' Contentions

A. Complainant

-The Complainant and its predecessors have offered cannabis-related products under the KINGPEN trademark since 2015.

-The Complainant's KINGPEN branded products have achieved commercial success, generating more than USD 120 million in revenue from 2018 to 2025.

-Because of federal illegality of cannabis under the U.S. Controlled Substances Act, the Complainant could not obtain United States Patent and Trademark Office trademark registrations for its cannabis products. However, the Complainant has multiple trademark registrations for its KINGPEN mark, relating to cannabis distribution, in many other jurisdictions throughout the world.

-The disputed domain name is confusingly similar to the KINGPEN trademark because that mark is entirely contained in that name. The addition of the terms "official" and "website" is irrelevant, as both of those terms are merely descriptive and may even increase public association between the Complainant and the disputed domain name.

-The Complainant's rights in the KINGPEN mark predate the Respondent's registration of the disputed domain name, and the Complainant has not granted the Respondent a license to use that mark.

-The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Instead, the disputed domain name resolves to a website that displays the Complainant's KINGPEN trademark and that promotes the sale of the Complainant's cannabis products.

-The Respondent is not commonly known by the disputed domain name. Also, the Respondent is not making a legitimate non-commercial or fair use of the name, as the Respondent attempts to gain commercially by misleading Internet users.

-The disputed domain name was registered and is being used in bad faith, because the Respondent was well-aware of the Complainant's trademark before registering the disputed domain name and is trying to gain commercially due to the likelihood of confusion with that mark.

-The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i), (ii), and (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant shows that:

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

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

The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has presented sufficient evidence that it has registered its KINGPEN trademark with both the CIPO and NDIP. Thus, the Panel finds that the Complainant has the appropriate rights in that mark to satisfy the requirements in Policy paragraph 4(a)(i). WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.2.1: "Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.".

The disputed domain name contains the Complainant's KINGPEN trademark in full. Adding the two terms "official" and "website" fails to prevent a finding of confusing similarity between the disputed domain name and that trademark with respect to assessment under the first element. As a result, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark. WIPO Overview 3.1, sections 1.7 and 1.8. See also, *Amanresorts International Pte Ltd. and Amanresorts Limited v. Legacy International Group/Domains By Proxy, Inc.*, WIPO Case No. D2007-1419: "[...] the Panel considers the Domain Names <amanresorts-officialwebsite.com> and <amanresortsofficialwebsite.com> to be confusingly similar to the Complainants' AMANRESORTS trademark."

Furthermore, the consensus of UDRP panels is that the addition of the ".com" generic Top-Level Domain should be disregarded when comparing a disputed domain name to a valid trademark because it is a standard technical requirement. WIPO Overview 3.1, section 1.11.1.

Therefore, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights per Policy paragraph 4(a)(i), and the first element has been established.

B. Rights or Legitimate Interests

Though complainants bear the overall burden of proof in UDRP proceedings, prior panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name places on a complainant the often difficult task of "proving a negative". Consequently, the consensus is that if a complainant sustains

a prima facie case that a respondent lacks rights or legitimate interests in a disputed domain name, the burden of production falls on the respondent to provide evidence that establishes its rights or legitimate interests in that domain name. If the respondent fails to present that evidence, the complainant is deemed to have satisfied the second element required under the Policy. WIPO Overview 3.1, section 2.1. See also *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. D2015-1149: "[...] once the complainant makes a prima facie showing […] [t]he burden of production shifts to the respondent to come forward with evidence of rights or legitimate interests in a disputed domain name."

Since the Respondent did not file a Response, the Panel will evaluate whether a reasonable rebuttal against the Complainant's prima facie case may be based on the available record in these proceedings, as allowable to the Respondent under Policy paragraphs 4(c)(i), (ii) and (iii). In doing so, the Panel will accept as true the Complainant's reasonable contentions as supported by evidence in the case record. WIPO Overview 3.1, section 2.1. See also *SomaLogic Operating Co. v. Edwards James*, WIPO Case No. D2022-2902 ("The Respondent has not submitted a response to the Complaint or otherwise, in the absence of which the Panel may accept all reasonable inferences and allegations as true.").

The Panel observes that the evidence contained in the Complaint indicates that the disputed domain name resolves to a website that presents the Complainant's trademark and logo, and offers to sell products the Complainant also sells, effectively impersonating the Complainant. The Panel finds that such use of the disputed domain name is not "a bona fide offering of goods or services" per Policy paragraph 4(c)(i) and prevents a finding of rights or legitimate interests for the Respondent. Moreover, as the Panel finds that there is no similarity between the Respondent's name and the disputed domain name, there is no reason to believe that he is "commonly known by" the disputed domain name under Policy paragraph 4(c)(ii). Finally, since the Respondent is using the disputed domain name's website to solicit payments for the Complainant's pictured products, the Panel concludes that Policy paragraph 4(c)(iii), which allows use of a disputed domain name for "legitimate noncommercial or fair use", also does not apply in this case. In this regard, Policy panels have categorically found that the use of a domain name for illegitimate activity, such as copycat sites and passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

As a result, the Panel finds that the Complainant has demonstrated that the Respondent does not have rights or legitimate interests in the disputed domain name per Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Policy paragraph 4(b) lists four non-exhaustive circumstances that can lead a panel to find bad faith registration and use of a disputed domain name. That paragraph includes the following circumstance:

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

Clearly, the Respondent was aware of the Complainant, its trademark and its business when the disputed domain name was registered, not least because the website at the disputed domain name uses the Complainant's trademark as its heading. Furthermore, the Respondent's website attempts to sell the same cannabis-related products as the Complainant. Thus, the Panel finds that the Respondent has registered and used the disputed domain name to impersonate the Complainant. Therefore, the Panel finds that the Respondent's registration and use of the disputed domain name fits within the bad faith criteria listed in Policy paragraph 4(b)(iv). WIPO Overview 3.1, section 3.1.4.

Consequently, the Panel finds that the Complainant has established that the disputed domain name was registered and used in bad faith per Policy paragraph 4(a)(iii).

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 <kingpenofficialwebsite.com> be transferred to the Complainant.

/Dennis A. Foster/
Dennis A. Foster
Sole Panelist
Date: November 11, 2026