

ADMINISTRATIVE PANEL DECISION
Under Armour, Inc. v. Alexey Stupak
Case No. DUA2025-0020

1. The Parties

The Complainant is Under Armour, Inc., United States of America (the “United States”), represented by Convey Srl, Italy.

The Respondent is Alexey Stupak, Ukraine.

2. The Domain Name(s) and Registrar(s)

The disputed domain name <underarmour.org.ua> is registered with PE Sedinkin Aleksandr (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2025. On November 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 13, 2025, 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 (not published) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 13, 2025, 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 November 14, 2025.

On November 13, 2025, the Center informed the Parties in Ukrainian and English, that the language of the registration agreement for the disputed domain name is Ukrainian. On November 14, 2025, the Complainant requested English to be the language of the proceedings. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of .UA Domain Name Dispute Resolution Policy (the “.UA Policy”), the Rules for .UA Domain Name Dispute Resolution Policy (the “.UA Rules”), and the WIPO Supplemental Rules for .UA Domain Name Dispute Resolution Policy (the “WIPO Supplemental Rules”).

In accordance with the .UA Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Ukrainian of the Complaint, and the proceedings commenced on November 21, 2025. In accordance with the .UA Rules, paragraph 5(a), the due date for Response was December 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 12, 2025.

The Center appointed Igor Alfiorov as the sole panelist in this matter on December 16, 2025. 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 .UA Rules, paragraph 7.

4. Factual Background

The Complainant, is a United States company founded in 1996 and headquartered in Baltimore, Maryland. It is a globally recognized manufacturer of performance footwear, sports, and casual apparel. Since at least 1999, the Complainant has owned and used the trademark UNDER ARMOUR, which has been extensively promoted worldwide through advertising campaigns, sponsorships of professional athletes and sports leagues, retail partnerships, and online platforms. The Complainant holds numerous trademark registrations for the mark UNDER ARMOUR, including registrations in Europe and Ukraine, all predating the registration of the disputed domain name, which are granted under the following trademark registrations, *inter alia*:

- UNDER ARMOUR (word), European Union Trademark Registration No. 002852721, registered on December 9, 2003; and
- UNDER ARMOUR (figurative), Ukrainian Trademark Registration No. 122714 registered on May 11, 2010.

The Complainant operates an extensive online presence and owns multiple domain names incorporating its trademark, including <underarmour.com>, which has been registered since 1997. Its official website and social media accounts are used to promote and sell products and attract significant Internet traffic.

The disputed domain name <underarmour.org.ua> was registered on May 27, 2024. At the time the Complaint was filed, the disputed domain name was inactive following the cease and desist notice sent by the Complainant on October 31, 2025. Previously, according to the provided evidence, the website under the disputed domain name resolved to a website displaying the Complainant’s UNDER ARMOUR trademarks and offering for sale UNDER ARMOUR branded goods.

The Respondent did not reply to the cease and desist notice submitted via the website under the disputed domain name. The Complaint was therefore filed with the Center requesting transfer of the disputed domain name.

The Respondent did not submit a formal Response in accordance with the .UA Rules.

5. Parties' Contentions

A. Complainant

The Complainant contends that all three elements of paragraph 4(a) of the .UA Policy are satisfied.

Firstly, the Complainant submits that the disputed domain name <underarmour.org.ua> is identical to its famous UNDER ARMOUR trademark. The disputed domain name wholly incorporates the Complainant's trademark, and the addition of the second-level domain under the country code Top-Level Domain ".org.ua" is merely a technical requirement of registration which does not affect the assessment of similarity.

Secondly, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, was never authorized to use the UNDER ARMOUR trademarks, and is not commonly known by the disputed domain name. The Respondent's use of the disputed domain name cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the .UA Policy, as it seeks to trade on the Complainant's reputation and goodwill.

Thirdly, the Complainant contends that the Respondent registered and used the disputed domain name in bad faith. Given the long-standing and worldwide reputation of the UNDER ARMOUR trademark, the Respondent could not reasonably have been unaware of the Complainant's rights at the time of registration. The Respondent's use of the disputed domain name to attract Internet users by creating a likelihood of confusion, particularly, as to source, affiliation, or endorsement shows an intent to exploit the Complainant's trademark for commercial gain. The Complainant further notes that the Respondent did not reply to the cease and desist communication but deactivated the website after receiving such notice.

Accordingly, the Complainant requests that the disputed domain name <underarmour.org.ua> be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1. Language of the Proceedings

Paragraph 11(a) of the .UA Rules provides that "unless otherwise agreed by the Parties, the language of the administrative proceedings shall be the language of the Registration Agreement (which shall be in English, Russian or Ukrainian), subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceedings".

The Complaint was filed in English. The Complainant requested that the language of the proceedings be English for several reasons, including the fact that the Respondent must know English as it is a language of commerce, the disputed domain name is written in Latin script and the Registrar's website is also available in English. The Complainant further submitted that requiring translation would impose unnecessary cost and delay.

The Respondent did not make any specific submissions with respect to the language of the proceedings.

In exercising its discretion to use a language other than that of the registration agreement, 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.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceedings shall be English.

6.2. Further Procedural Considerations – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel further notes that the Respondent registered the disputed domain name on May 27, 2024 and operated the online store under the disputed domain name well after the commencement of the international conflict in Ukraine. This indicates that the Respondent had access to the Internet and was able to register and manage the disputed domain name during that period. The record shows that the Notification of Complaint was successfully delivered to the Respondent's email address disclosed by the Registrar.

Therefore, the Panel concludes that the Respondent who is allegedly located in Ukraine has been given a fair opportunity to present its case, and so that the administrative proceedings take place with due expedition, the Panel will proceed to a decision accordingly.

6.3 Substantive Considerations

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established rights in the trademark UNDER ARMOUR, based on longstanding use and multiple trademark registrations, including Ukraine, predating the registration of the disputed domain name.

The disputed domain name <underarmour.org.ua> incorporates the Complainant's trademark UNDER ARMOUR in its entirety. The addition of the second-level domain under the country code Top-Level Domain ".org.ua" is a technical registration requirement and does not affect the assessment of identity or confusing similarity under paragraph 4(a)(i) of the .UA Policy. In the cases where a domain name incorporates the entirety of a trademark, the domain name will usually be considered identical or confusingly similar to that mark for purposes of .UA Policy (see, e.g., *Nestlé Products Company S.A. v. Ruslan Skripka*, WIPO Case No. [DUA2024-0003](#)).

Accordingly, the Panel finds that the disputed domain name is identical to a trademark in which the Complainant has rights. The requirement of paragraph 4(a)(i) of the .UA Policy is satisfied.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the .UA Policy, the Complainant must demonstrate that the Respondent has no rights or legitimate interests in the disputed domain name. While the overall burden of proof remains with the Complainant, it is sufficient to make a *prima facie* showing, after which the burden of production shifts to the Respondent. If the Respondent fails to come forward with such relevant evidence, the Complainant is generally deemed to have satisfied the second element (See, e.g., *L'Oréal v. Артем Волик*, WIPO Case No. [DUA2023-0001](#)).

The Panel finds that the Complainant has made such a *prima facie* case. The Respondent is not affiliated with the Complainant as a licensee or authorized agent, was never authorized to use the UNDER ARMOUR trademark, and there is no evidence that the Respondent has ever been commonly known by the disputed domain name, nor does the Respondent's name correspond to the UNDER ARMOUR trademark.

The evidence shows that the disputed domain name was used for hosting the online store website reproducing the Complainant's trademarks and offering goods branded as UNDER ARMOUR, which the Complainant claims to be counterfeit. The Panel finds that such use is plausibly intended to take advantage of the Complainant's brand recognition and does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use under the .UA Policy, and therefore cannot confer any rights or legitimate interests on the Respondent. Moreover, the lack of any disclaimer or other indication differentiating the Respondent from the Complainant further strengthens the misleading character of the use of the disputed domain name.

The Respondent did not file a formal Response and submitted no evidence to rebut the Complainant's *prima facie* arguments.

Accordingly, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. The requirement of paragraph 4(a)(ii) of the .UA Policy is satisfied.

C. Registered or Used in Bad Faith

Under paragraph 4(a)(iii) of the .UA Policy, the Complainant must establish that the disputed domain name was registered or is being used in bad faith.

The Panel finds it beyond doubt that the Respondent knew of the Complainant and its UNDER ARMOUR trademarks at the time of registration of the disputed domain name. The UNDER ARMOUR mark is well recognized worldwide, including in Ukraine, and has been extensively used well before the registration of <underarmour.org.ua>. The Respondent's choice of the disputed domain name which exactly reproduces the Complainant's trademark, together with its prior use to display the Complainant's marks and offer goods branded as UNDER ARMOUR, reflects clear knowledge of the Complainant's rights and an intention to capitalize on the reputation and goodwill of the well-known trademark, which amounts to opportunistic bad faith.

Prior panels have recognized bad faith where a respondent knew, or should have known, of a complainant's trademark rights but proceeded to register a domain name without any rights or legitimate interests (see, e.g., *Compagnie Générale des Etablissements Michelin v. Mishchenko Tetiana Mykhailivna*, WIPO Case No. [DUA2023-0007](#)).

Furthermore, the Respondent's use of the disputed domain name to attract Internet users by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website constitutes evidence of bad faith under paragraph 4(b)(iv) of the .UA Policy.

Although the disputed domain name currently resolves to an inactive website, the prior use of the disputed domain name to target the Complainant's trademark and mislead Internet users demonstrates abusive intent. The Respondent's failure to reply to the Complainant's cease and desist letter and failure to participate in these proceedings further support a finding of bad faith.

Finally, taking into account the Complainant's argument that the UNDER ARMOUR branded products are counterfeits, the Panel further notes that the use of the disputed domain name for *per se* illegitimate activity, namely offering and sale of what appears to be counterfeit goods bearing the Complainant's trademark, not only cannot establish any rights or legitimate interests on the Respondent but also constitute clear evidence of bad faith registration and use of the disputed domain name.

Having considered the above circumstances, the Panel concludes that the disputed domain name was registered and is being used in bad faith. The requirement of paragraph 4(a)(iii) of the .UA Policy is therefore satisfied.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the .UA Policy and 15 of the .UA Rules, the Panel orders that the disputed domain name <underarmour.org.ua> be transferred to the Complainant.

*/Igor Alfiorov/
Igor Alfiorov
Sole Panelist
Date: December 30, 2025*