

ADMINISTRATIVE PANEL DECISION

Shenzhen Lingyi Innovation Technology Co., Ltd. v. Андрей Карпюк Case No. DUA2026-0011

1. The Parties

The Complainant is Shenzhen Lingyi Innovation Technology Co., LTD., China, internally represented.

The Respondent is Андрей Карпюк, Ukraine, self-represented.

2. The Domain Name and Registrar

The disputed domain name <ipitaka.com.ua> is registered with Imena.ua (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2026. On August 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 19, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 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 August 24, 2026.

On August 20, 2026, the Center informed the parties in Ukrainian and English, that the language of the registration agreement for the disputed domain name is Ukrainian. On August 21, 2026, the Complainant confirmed its request that English be the language of the proceedings. The Respondent objected to the Complainant’s request on September 9, 2026.

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 September 2, 2026. In accordance with the .UA Rules, paragraph 5(a), the due date for Response was September 22, 2026. The Respondent sent email communications to the Center on September 7, and 9, 2026. The Center notified the Commencement of Panel Appointment process on September 23, 2026. The Respondent provided its late response on October 15, 2026.

The Center appointed Taras Kyslyy as the sole panelist in this matter on September 28, 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 .UA Rules, paragraph 7.

4. Factual Background

The Complainant is a Chinese company producing mobile phone cases and other consumer electronic products. The Complainant has maintained continuous commercial use of its PITAKA mark across global markets for multiple years, established brand reputation, and operated official websites, cross-border e-commerce stores and offline sales channels.

The Complainant owns trademark PITAKA registered in several jurisdictions including for instance the United States of America trademark registration No. 5423100, registered on March 13, 2018, and Ukrainian trademark registration No. 382858, registered on April 1, 2026.

The disputed domain name resolves to a website prominently featuring the Complainant's trademark and IPITAKA mark, and purports to sell electronic gadgets and accessories of various manufacturers, and also phone cases with the Complainant's trademark. The website provides for the following statement in Ukrainian "ipitaka.com.ua - the official Pitaka store in Ukraine".

The Complainant and the Respondent were in extensive communication on the disputed domain name prior to the filing of the Complaint.

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 disputed domain name is confusingly similar to the Complainant's trademark. The disputed domain name is composed of the generic letter prefix "i" plus the Complainant's entire trademark. The addition of a single generic letter does not dispel the likelihood of consumer confusion.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has never obtained any trademark registration or written license from the Complainant authorizing use of its trademark prior to registering the disputed domain name. The Respondent was never commonly known by the name "pitaka" or "ipitaka" before the disputed domain name registration, and has no corresponding trade name, business name or prior civil rights related to the mark. The Respondent's sale of phone cases branded with the Complainant's trademark via the disputed domain name is not authorized by the Complainant. Even assuming the products were genuine, operating under a domain name confusingly similar to the complainant's trademark to sell identical goods goes beyond the reasonable scope of lawful resale, and does not constitute a legitimate interest. The Respondent's entire

operation is premised on appropriating the goodwill and market recognition of the Complainant's trademark, with no independent legitimate business basis for using the mark in the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name with full knowledge of the Complainant's well-known trademark. It has comprehensively copied the Complainant's domain naming structure, website layout, official product imagery, brand narrative and visual identity. By constructing a counterfeit official store, the Respondent intentionally diverts the Complainant's global customers to its Ukrainian website for commercial profit, and disrupts the Complainant's normal cross-border sales operations. On its "About the Store" ("Про магазин") page, it is explicitly stated in original Ukrainian: "ipitaka.com.ua - офіційний магазин Pitaka в Україні" (Translation into English: ipitaka.com.ua - the official Pitaka store in Ukraine). As the exclusive proprietor of its PITAKA trademark, the Complainant has never entered into any cooperation agreement, distribution authorization or resale license with the Respondent or any entity operating the disputed domain name. The Respondent has no legal authority to use the Complainant's trademark or hold itself out as an official or authorized seller. This false claim of official status is a deliberate deceptive act targeting Ukrainian consumers. The Respondent operates an e-commerce platform through the disputed domain name, selling phone cases bearing the Complainant's trademark. The Complainant has never granted the Respondent any trademark license, distribution right or official agency authorization, nor authorized it to sell PITAKA-branded goods online. The Respondent's use of a confusingly similar domain name to sell nearly identical products without authorization materially increases the likelihood of consumer confusion regarding the website's official status, authorization relationship and product origin, and serves to wrongfully divert sales from the Complainant. The Respondent falsely represents itself as the "Official PITAKA online store in Ukraine" and publishes details of a purported physical pickup locations in different cities in Ukraine, inter alia one in Kyiv, including full address and opening hours. The Complainant confirms that no authorized offline store exists in Kyiv, and that it has never granted any such authorization to the Respondent. The Respondent has no prior business cooperation or reasonable connection with the Complainant, and has no legitimate justification for registering a domain name centered on the Complainant's trademark.

B. Respondent

The Respondent sent email communications to the Center on September 7, and 9, 2026, and filed a late response on October 15, 2026, replying to the Complainant's contentions and requesting to reject the Complaint based on the following.

The disputed domain name was registered on September 13, 2024. The Respondent incorrectly states that application for the Complainant's trademark in Ukraine was filed only on November 27, 2025. The Ukrainian certificate for the Complainant's trademark No. 382858 took effect only on April 1, 2026. At the time of the registration of the disputed domain name, the registered trademark right on which the Complainant relies did not exist. The disputed domain name is used in the course of independent business activity. The website is a marketplace on which goods of various trademarks are sold. The mere fact of selling goods bearing the relevant trademark cannot automatically be equated with bad faith use of a domain name. The similarity of a domain name to a trademark and the bad faith of its registration are separate issues. Even if a domain name may be associated with the relevant trademark, in order to establish bad faith it is necessary to assess the purpose and circumstances of its registration, the nature of the respondent's activities and the manner in which the disputed designation is used. There is no proper evidence that consumers were misled as to the owner or origin of the web resource. There is no proper evidence that the disputed domain name was registered in bad faith with the aim of infringing the Complainant's rights. It is necessary to establish what exactly was stated regarding the official status of the store, during which period those statements were available, whether they contained an unequivocal indication of the existence of a contractual relationship with the complainant, and how such statements could have affected consumers' perception of the website.

The Complainant's arguments regarding the sale of goods cannot be assessed in isolation from the other circumstances of the use of the domain name, or without examining the evidence confirming the alleged violations. The provisions of Article 500 of the Civil Code of Ukraine on the right of a prior user must be

taken into account. The allegations made in the Complaint must be verified in light of all the factual circumstances and evidence. The mere fact that the Complainant holds rights in the trademark does not relieve it of the need to prove the circumstances on which its request for the transfer of the domain name is based. The Respondent objects to any findings of lack of legitimate interest and bad faith use of the disputed domain name where such findings are based solely on the absence of a license, assumptions about the origin of the goods, or general statements about possible consumer confusion. The Respondent requests that the arguments of the Complaint be assessed together with all the evidence, that the circumstances of the registration and use of the disputed domain name be examined, and that the requested relief be denied if the Complainant fails to prove all of the grounds for transfer of the disputed domain name provided for in the .UA Policy.

6. Discussion and Findings

6.1. Location of the Respondent

Pursuant to paragraph 10 of the .UA Rules, the Administrative Panel must ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

As the Respondent's postal address and location are in Ukraine, which at the time of this Decision is in a state of international conflict that may affect the receipt of notifications in the case and the Respondent's ability to prepare and submit a response to the Complaint, the Administrative Panel considers it appropriate to decide, in its discretion, as provided by paragraph 10 of the .UA Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Administrative Panel finds that the proceedings should continue. The Administrative Panel notes that the Complaint and the notification of the filing of the Complaint were delivered to the Respondent's e-mail address provided by the Registrar, and that the Respondent submitted a response to the Complaint.

The Administrative Panel concludes that the Parties have been given a sufficient opportunity to present their arguments and, in order to ensure the due expedition of the administrative proceedings, the Administrative Panel will proceed to issue its Decision.

6.2 Late Response

The Panel notes that the Respondent submitted informal communications on September 7, and 9, 2026, followed by what appears to be the Respondent's full response – received well after the Response due date.

Paragraph 10 of the UDRP Rules vests the panel with the authority to determine the admissibility, relevance, materiality, and weight of the evidence, and also to conduct the proceedings with due expedition. While the Panel notes the importance of providing timely submissions, noting the Respondent is unrepresented and in order to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, the Panel will exceptionally accept the late Response. In any event, the Panel notes that its acceptance has not altered the outcome of the proceeding.

6.3. Language of the Proceedings

Paragraph 11(a) of the .UA Rules provides that “unless otherwise agreed by the Parties, the language of the administrative proceeding 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 Complainant and the Respondent conducted pre-dispute correspondence in English.

The Respondent requested that the language of the proceedings be Ukrainian claiming that the registration agreement is in Ukrainian, the Respondent conducts its business in Ukrainian, and the Respondent is more confident presenting its position in Ukrainian.

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.

The Panel further notes that prior to the filing of the Complaint the Parties conducted their correspondence in English, demonstrating the Respondent's ability to understand and communicate in English. This further indicates that the Respondent is able to understand English and that conducting the proceeding in English would not result in unfairness or prejudice to the Respondent.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the .UA Rules that the language of the proceedings shall be English. Notwithstanding this determination, the Panel has reviewed and accepted the Respondent's submissions, including the later Response, as filed in Ukrainian.

6.4. Substantive Matters

Pursuant to paragraph 4(a) of the .UA Policy, in order to substantiate its claims the complainant must prove each of the following elements:

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

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

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

It should be noted that the .UA Policy is a variation of the Uniform Domain Name Dispute Resolution Policy (hereinafter – "UDRP") and is conceptually similar to the UDRP. The WIPO Overview of WIPO Panel Views on Select UDRP Questions (hereinafter – "[WIPO Overview 3.1](#)"), separately notes the importance of consistency in the approach to cases in order to ensure the predictability of outcomes. Therefore, although, in order to ensure the flexibility of the procedure, administrative panels are not bound to follow previous decisions, reference to previous panel decisions and, by analogy, to the [WIPO Overview 3.1](#) is established practice. Accordingly, taking into account the similarity of the aims and objectives of the .UA Policy and the UDRP and the similarity of the criteria examined under these policies, in this Decision the Administrative Panel considers it possible to refer to previous decisions rendered by administrative panels under the .UA Policy and the UDRP, and to the [WIPO Overview 3.1](#), where appropriate.

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 .UA Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the .UA Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, “i”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the .UA Policy. [WIPO Overview 3.1](#), section 1.8.

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

B. Rights or Legitimate Interests

The Panel notes that the Complainant provided information on its Ukrainian trademark registration. However, a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention. This may include accessing trademark registration databases. [WIPO Overview 3.1](#), section 4.8.

The Panel in this case accessed the trademark registration database of the United States of America, which confirmed the Complainant owns respective trademark registration with the registration date preceding registration of the disputed domain name. The .UA Policy does not limit trademark rights considered in the course of a complaint review to those granted in Ukraine, other jurisdictions are also taken into account. Thus, the Panel takes into account the Complainant's trademark registration of the United States of America, which was granted well prior to the registration of the disputed domain name.

The Complainant did not license or otherwise agree for use of its prior registered trademark by the Respondent.

The available evidence does not confirm that the Respondent is commonly known by the disputed domain name, which could demonstrate its rights or legitimate interests (see, e.g., *Facebook Inc. v. Private Registration / Denis Khakimov*, WIPO Case No. [DUA2019-0002](#)).

It should be noted that resellers, distributors and other similar persons may use the complainant's trademark in a domain name for the bona fide offering of goods or services and may have a legitimate interest, provided that a number of conditions are met (see, e.g., *Harman International Industries, Inc. v. Oleksandr Kolegaiev*, WIPO Case No. [DUA2020-0005](#)). This refers to compliance with all of the following conditions:

- (i) the respondent must actually be offering the goods at issue;
- (ii) the respondent must use the site to sell only the trademarked goods;
- (iii) the site must accurately and prominently disclose the registrant's relationship with trademark holder; and
- (iv) the respondent must not try to “corner the market” in domain names reflecting trademark.

The Panel finds that the Respondent failed to satisfy at least the second and the third above requirements, since it sells products not only of the Complainant, and also did not in any way disclose its actual relationship with the Complainant. The Respondent's use of the disputed domain name prominently displays the Complainant's PITAKA mark and misleads consumers into thinking that the website is operated by or affiliated with the Complainant. As such, the Respondent's use of the disputed domain name cannot be considered bona fide.

The Panel finds the second element of the .UA Policy has been established.

C. Registered or Used in Bad Faith

The Panel finds that circumstances of the present case, including prior rights of the Complainant for its trademark, and the Respondent selling goods branded with the Complainant trademark at the website at the

disputed domain name confirm that the Respondent knew or at least should have known of the Complainant's prior rights when registering the disputed domain name, which confirms bad faith.

According to paragraph 4(b)(iv) of the .UA Policy, the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith: 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. In this case, the disputed domain name resolved to a website featuring the Complainant's trademark and products, misleadingly appearing as the website of the Complainant's official store in Ukraine. Thus, the Panel finds such actions constitute use of the disputed domain name in bad faith.

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

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 <ipitaka.com.ua> be transferred to the Complainant.

/Taras Kyslyy/

Taras Kyslyy

Sole Panelist

Date: October 15, 2026