

## **ADMINISTRATIVE PANEL DECISION**

Peter Millar, LLC v. Client Care, Web Commerce Communications Limited  
Case No. D2023-4319

### **1. The Parties**

The Complainant is Peter Millar, LLC, United States of America (“United States”), represented by Corsearch, United States.

The Respondent is Client Care, Web Commerce Communications Limited, Malaysia.

### **2. The Domain Names and Registrar**

The disputed domain names <chaussuresdegolfgfore.com>, <gffranceshop.com>, <gfore-argentina.com>, <gforegolfaustralia.com>, <gforegolf-canada.com>, <gforegolf-chile.com>, <gforegolffespana.com>, <gforegolfireland.com>, <gforegolfjapan.com>, <gforegolfmexico.com>, <gforegolfnorge.com>, <gforegolfosterreich.com>, <gforegolfoutletireland.com>, <gforegolfoutletitalia.com>, <gforegolfoutletusa.com>, <gforegolfphilippines.com>, <gforegolfschuhe.com>, <gforegolfshoesaustralia.com>, <gforegolfshoesnz.com>, <gforegolfshoessaleuk.com>, <gforegolfsingapore.com>, <gforegolfsouthafrica.com>, <gforemexico-mx.com>, <gforeoutletmexico.com>, <gforeoutletschweiz.com>, <gfsverige.com>, and <scarpedagolfgfore.com> (the “Domain Names”) are registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 18, 2023. On October 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On October 20, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 23, 2023, 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 28, 2023.

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 November 1, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 21, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 23, 2023.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on December 4, 2023. 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 an American clothing brand founded in 2001. In January 2018, the Complainant acquired G/Fore – a golf sportswear and accessories brand.

The Complainant is the owner of numerous G FORE and G/FORE trademark registrations (the "Trademarks"), including:

- the United States Trademark Registration for G FORE (word), No. 4035425 registered on October 4, 2011;
- the International Trademark Registration for G/FORE (word), No. 1526743 registered on March 9, 2020; and
- the European Union Trade Mark Registration for G FORE (word), No. 011699618 registered on August 9, 2013.

The Complainant also operates the domain name <gfore.com> incorporating its G FORE trademark.

The disputed domain name <chaussuresdegolfgfore.com> was registered on August 29, 2023.

The disputed domain name <gffrancheshop.com> was registered on October 8, 2022.

The disputed domain name <gfore-argentina.com> was registered on August 22, 2023.

The disputed domain name <gforegolfaustralia.com> was registered on August 10, 2023.

The disputed domain name <gforegolf-canada.com> was registered on August 28, 2023.

The disputed domain name <gforegolf-chile.com> was registered on August 28, 2023.

The disputed domain name <gforegolfespana.com> was registered on August 28, 2023.

The disputed domain name <gforegolfireland.com> was registered on August 22, 2023.

The disputed domain name <gforegolfjapan.com> was registered on August 10, 2023.

The disputed domain name <gforegolfmexico.com> was registered on August 22, 2023.

The disputed domain name <gforegolfnorge.com> was registered on August 22, 2023.

The disputed domain name <gforegolfosterreich.com> was registered on August 29, 2023.

The disputed domain name <gforegolfoutletireland.com> was registered on August 28, 2023.

The disputed domain name <gforegolfoutletitalia.com> was registered on August 22, 2023.

The disputed domain name <gforegolfoutletusa.com> was registered on August 28, 2023.

The disputed domain name <gforegolfphilippines.com> was registered on August 10, 2023.

The disputed domain name <gforegolfschuhe.com> was registered on August 29, 2023.

The disputed domain name <gforegolfshoesaustralia.com> was registered on August 28, 2023.

The disputed domain name <gforegolfshoesnz.com> was registered on August 28, 2023.

The disputed domain name <gforegolfshoessaleuk.com> was registered on August 28, 2023.

The disputed domain name <gforegolfsingapore.com> was registered on August 28, 2023.

The disputed domain name <gforegolfsouthafrica.com> was registered on August 22, 2023.

The disputed domain name <gforemexico-mx.com> was registered on August 26, 2023.

The disputed domain name <gforeoutletmexico.com> was registered on August 28, 2023.

The disputed domain name <gforeoutletschweiz.com> was registered on August 29, 2023.

The disputed domain name <gfsverige.com> was registered on October 8, 2022.

The disputed domain name <scarpedagolfgfore.com> was registered on August 29, 2023.

At the time of submitting the Complaint, the Domain Names (except for the disputed domain name <gfore-argentina.com>) resolved to online shops allegedly offering golf apparel and accessories for sale and displaying the Complainant's Trademarks together with the Complainant's official marketing materials (the "Websites"). The disputed domain name <gfore-argentina.com> resolved to the online shop allegedly offering athletic apparel for sale branded with a third-party brand.

As of the date of this decision, the Domain Names have resolved either to the Websites or to inactive websites.

## **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 Domain Names.

First, the Complainant submits that the Domain Names are identical or confusingly similar to the Trademarks in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Names.

Third, the Complainant contends that the Domain Names were registered and are being used in bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

The requested remedy may only be granted if the above criteria are met.

At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

### **A. Identical or Confusingly Similar**

Under the first requirement, the Complainant must establish that the Domain Names are identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid Trademarks. The Domain Names (except for the disputed domain names <gffrancheshop.com> and <gfsverige.com>) incorporate the Trademarks in their entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark ([WIPO Overview 3.0](#), section 1.7).

The absence of a slash in the Domain Names which appears in the G/FORE trademark is irrelevant, as the presence or absence of punctuation marks cannot on their own avoid a finding of confusing similarity (see *Six Continents Hotels, Inc. v. Helen Siew*, WIPO Case No. [D2004-0656](#)).

In the case of the disputed domain names <gffranceshop.com> and <gfsverige.com>, the Trademarks are not present in their entirety. They contain only the letters “g” and “f” instead of the whole Trademarks. However, the content of the Websites to which these disputed domain names resolve serves to affirm a finding of confusing similarity. Additionally, the registration of multiple Domain Names with similar content and targeting the Complainant’s Trademarks reinforce this conclusion (see *Bayerische Motoren Werke AG (“BMW”) v. Registration Private, Domains By Proxy, LLC / Armands Piebalgs*, WIPO Case No. [D2017-0156](#)).

The addition of other terms such as “chaussuresdegolf”, “-argentina”, “golfaustralia”, “golf-canada”, “golf-chile”, “golfespana”, “golfireland”, “golfjapan”, “golfmexico”, “golfnorge”, “golfosterreich”, “golfoutletireland”, “golfoutletitalia”, “golfoutletusa”, “golfphilippines”, “golfschuhe”, “golfshoesaustralia”, “golfshoesnz”, “golfshoessaleuk”, “golfsingapore”, “golfsouthafrica”, “mexico-mx”, “outletmexico”, “outletschweiz”, and “scarpedagolf” in the Domain Names does not prevent a finding of confusing similarity between the Domain Names and the Complainant’s Trademarks. As numerous UDRP panels have held, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8, [WIPO Overview 3.0](#).

The Top-Level domain (“TLD”) “.com” in the Domain Names is viewed as a standard registration requirement and as such are disregarded under the first element confusing similarity test. See section 1.11.1, [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Names are confusingly similar to the Trademarks in which the Complainant has rights. Thus, the Complainant has proved the requirements under paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

Under the second requirement, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Names.

The respondent may establish a right or legitimate interest in the domain name by demonstrating in accordance with paragraph 4(c) of the Policy any of the following:

- (i) that it has used or made preparations to use the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services prior to the dispute; or
- (ii) that it is commonly known by the domain name, even if it has not acquired any trademark rights; or
- (iii) that it is making a legitimate, noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the registration of the Complainant’s Trademarks predates the Respondent’s registration of the Domain Names. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the Trademarks or to register the Domain Names incorporating the Trademarks. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Names.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Names in connection with a *bona fide* offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Names. On the contrary, the Domain Names resolved to the

Websites which feature the online shop offering the products bearing the Complainant's Trademarks and displaying these Trademarks together with the Complainant's official marketing materials such as product images. The disputed domain name <gfore-argentina.com> resolved to the online shop allegedly offering athletic apparel of the Complainant's competitor.

The Respondent could make a *bona fide* offering of goods and services as a reseller or distributor of the Complainant's products, and thus have a legitimate interest in the Domain Names, if this use meets certain requirements as set out in *Oki Data Americas, Inc. v ASD, Inc.*, WIPO Case No. [D2001-0903](#). These requirements are that: (1) the Respondent must actually be offering the goods or services at issue; (2) the Respondent must use the Websites to sell only the trademarked goods, otherwise, it could be using the trademark to bait Internet users and then switch them to other goods; (3) the Websites must accurately disclose the Respondents' relationship with the trademark owner; and (4) the Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in the Domain Names.

In the present case, the above referred requirements are not met.

The Domain Names and the Websites suggest at least an affiliation with the Complainant and its Trademarks. The Panel believes that the use of the Complainant's Trademarks in the Domain Name and at the Websites misleads consumers regarding the relationship between the Domain Names and the Complainant, as Internet users may falsely believe that the Domain Names are an official/endorsed distributor of the Complainant's products. At the same time, the relationship between the Domain Names and the Complainant (or a lack thereof) is not disclosed at the Websites. This further perpetuates the false impression of a relationship between the Respondent and the Complainant.

Moreover, the disputed domain name <gfore-argentina.com> resolved to the online shop allegedly offering athletic apparel for sale branded with the name of the Complainant's competitor. Thus, the Respondent is using the Complainant's Trademarks to bait Internet users and then switch them to the goods of the third party.

In sum, the Respondent has failed to invoke any circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in respect of the Domain Names. Thus, there is no evidence in the case file that refutes the Complainant's *prima facie* case. The Panel concludes that the Complainant has also proved the requirement under paragraph 4(a)(ii) of the Policy.

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

Under the third element, the Complainant must prove that the Domain Names were registered and are being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1, [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or

- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the Trademarks predate the registration of the Domain Names. This Panel finds that the Respondent was or should have been aware of the Complainant's Trademarks at the time of registration. This finding is supported by the content of the Websites offering the Complainant's products and displaying the Complainant's Trademarks together with the Complainant's marketing materials (with the exception of the disputed domain name <gfore-argentina.com>, whose content being related to a competitor of the Complainant, still reinforces the Respondent's awareness of the Complainant). Moreover, it has been proven to the Panel's satisfaction that the Complainant's Trademarks are well known and unique to the Complainant. Thus, the Respondent could not likely reasonably ignore the reputation of these Trademarks. In sum, the Respondent in all likelihood registered the Domain Names with the expectation of taking advantage of the reputation of the Complainant's Trademarks.

Furthermore, the Domain Names were being used in bad faith by the Respondent to offer for sale the Complainant's products or the products of the Complainant's competitor. There is, thus, little doubt that the Respondent intended to earn profit from the confusion created with Internet users. In consequence, the Panel finds that the Respondent registered and used the Domain Names deliberately in order to take advantage of the Complainant's reputation and to give credibility to its operations through the incorporation of the Complainant's Trademarks.

Finally, the Complainant has proved that the Respondent has engaged in the pattern of bad faith conduct. UDRP Panel has found the abusive domain name registrations on the part of the Respondent in such cases as *Peter Millar, LLC v. Client Care, Web Commerce Communications Limited, ZhouRunFa, ZhouRunFa, Birgit, Fuchs*, WIPO Case No. [D2023-2147](#), and *Peter Millar LLC v. Client Care, Web Commerce Communications Limited*, WIPO Case No. [D2022-2473](#).

For the reasons discussed above, the Panel finds that the Complainant has proved the requirements under paragraph 4(a)(iii) 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 Names <chaussuresdegolfgfore.com>, <gf franceshop.com>, <gfore-argentina.com>, <gforegolfaustralia.com>, <gforegolf-canada.com>, <gforegolf-chile.com>, <gforegolffespana.com>, <gforegolfireland.com>, <gforegolfjapan.com>, <gforegolfmexico.com>, <gforegolfnorge.com>, <gforegolfosterreich.com>, <gforegolfoutletireland.com>, <gforegolfoutletitalia.com>, <gforegolfoutletusa.com>, <gforegolfphilippines.com>, <gforegolfschuhe.com>, <gforegolfshoesaustralia.com>, <gforegolfshoesnz.com>, <gforegolfshoessaleuk.com>, <gforegolfsingapore.com>, <gforegolfsouthafrica.com>, <gforemexico-mx.com>, <gforeoutletmexico.com>, <gforeoutletschweiz.com>, <gfsverige.com>, and <scarpedagolfgfore.com> be transferred to the Complainant.

/Piotr Nowaczyk/

**Piotr Nowaczyk**

Sole Panelist

Date: December 14, 2023