

## ADMINISTRATIVE PANEL DECISION

J. Crew International, Inc. v. 宇张 (Yu Zhang)  
Case No. D2022-3167

### 1. The Parties

The Complainant is J. Crew International, Inc., United States of America (the “United States”), represented by Cowan, Liebowitz & Latman, PC, United States.

The Respondent is 宇张 (Yu Zhang), China.

### 2. The Domain Name and Registrar

The disputed domain name <jcrewofficial.com> (the “Disputed Domain Name”) is registered with Name.com, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2022. On August 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 30, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on September 9, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on October 3, 2022.

The Center appointed Isabelle Leroux as the sole panelist in this matter on October 13, 2022. 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 retailer of fashion apparel and accessories.

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- United States trademark J. CREW No. 1308888 registered on December 11, 1984, for goods and services in classes 14, 18, 25 and 42.

Hereafter the "Trademark".

The Complainant also owns the following domain name containing the sign J. CREW: <jcrew.com> registered in 1994.

The Disputed Domain Name was registered on April 22, 2022 and reverts to an online clothing store.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant claims that:

a) The Disputed Domain Name is identical or at least confusingly similar to the Complainant's Trademark since it incorporates the J. CREW Trademark without the period and with the addition of the term "official".

b) The Respondent has no rights nor legitimate interests in the Disputed Domain Name since:

- The Respondent is not commonly known under the Disputed Domain Name;
- The Complainant has never granted any license or authorization of use to the Respondent;
- There is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Name in connection with a *bona fide* offering of goods and services.

c) The Respondent registered and used the Disputed Domain Name in bad faith given the following factors:

- The Complainant's Trademark was registered long before the Disputed Domain Name;
- The Respondent is using the Disputed Domain Name to engage in fraud by exploiting and infringing Complainant's trademarks and/or copyrights and engaging in fraudulent/or activities, all in an apparent attempt to mislead consumers into thinking that the Disputed Domain Name is authorized by Complainant;
- The Complainant's Trademark benefits from a worldwide reputation due to substantial investment of time, money and effort in advertising and promoting its services;
- The Disputed Domain Name reverts to an online clothing store which features and prominently displays non authorized items bearing the J. CREW Trademark.

Finally, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the J. CREW Trademark since it has been registered several years before the Disputed Domain Name.

Then, the Panel notices that the Disputed Domain Name is composed of the reproduction of the Trademark in its entirety, without the period after the “j” and with the addition of the term “official” and the generic Top-Level Domain (gTLD) “.com”.

The suppression of a punctuation marks such as periods does not avoid a finding of confusing similarity. Also, the addition of the term “official” does not avoid a finding of confusing similarity since the J. CREW Trademark is fully recognizable.

Furthermore, the gTLD “.com” is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's Trademark. The first element of paragraph 4(a)(i) of the Policy is thus fulfilled.

### B. Rights or Legitimate Interests

Numerous UDRP panels have found that, even though the Complainant bears the general burden of proof under paragraph 4(a) (ii) of the UDRP, the burden of production shifts to the Respondent once the Complainant makes a *prima facie* showing that the Respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Hence, after the Complainant has made a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Name, it will be deemed to have satisfied paragraph 4(a)(ii) of the UDRP when the Respondent fails to submit a response.

In this case, the Complainant brings forward the following elements:

- The Respondent is not known under the Disputed Domain Name;
- No license or authorization has been granted by the Complainant to the Respondent;
- The Respondent has not used the Disputed Domain Name for a *bona fide* offering goods and services.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The Respondent has not come forward with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name.

Given these circumstances, the Panel finds that the second element of paragraph 4(a)(ii) of the Policy is satisfied.

### C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the Disputed Domain Name was registered and is being used by the Respondent in bad faith.

The Complainant has provided evidence that the Disputed Domain Name was registered many years after the registration of the J. CREW Trademark that has gained substantial public recognition through commercial and promotional efforts.

In addition, the Disputed Domain Name incorporated the term “official”, which reinforces the risk of confusion since it seems to mean the website at the Disputed Domain Name is the official website of the Complainant. Accordingly, the Panel considers that the Respondent could not plausibly ignore the existence of the Complainant’s Trademarks at the time the Disputed Domain Name was registered.

As to the use of the Disputed Domain Name in bad faith, the Disputed Domain Name, which is confusingly similar to the J. CREW Mark, revert to an active website allegedly selling J. CREW products and selling non-authorized products bearing the mark .The website at the Disputed Domain Name imitates the look and feel of the Complainant’s website by unlawfully using copyrighted images that have been copied from its website.

It is therefore obvious for the Panel that the Disputed Domain Name was created in order to willingly and unfairly attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant and its products.

The Respondent’s failure to reply to the Complainant’s contentions give no other basis to the Panel to believe that the Disputed Domain Name might conceivably is used in good faith.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be illegitimate.

Consequently, the Panel finds that the Disputed Domain Name was registered and used in bad faith, so that the third and final element of paragraph 4(a)(iii) of Policy is met.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that Disputed Domain Name <jcrewofficial.com> be transferred to the Complainant.

*/Isabelle Leroux/*

**Isabelle Leroux**

Sole Panelist

Date: October 27, 2022