

ADMINISTRATIVE PANEL DECISION

Trapstar Collective Limited v. Naeem Abbas
Case No. D2023-0732

1. The Parties

The Complainant is Trapstar Collective Limited, United Kingdom, represented by Fieldfisher LLP, United Kingdom.

The Respondent is Naeem Abbas, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <trapstarofficial.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 17, 2023. On February 20, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 2023, the Registrar transmitted by email to the Center its verification response registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 amendment to the Complaint on February 22, 2023.

The Center verified that the Complaint together with the amendment to 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 February 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 23, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on March 28, 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 in this proceeding is Trapstar a global streetwear brand, which sells its goods predominantly through its website "www.uk.trapstarlondon.com" as well as at "pop-up" events in fashion capitals across the world including London, Milan, Paris and New York.

Trapstar was founded in 2008 by three school friends in West London. Goods were advertised on social media sites such as MySpace and delivered in pizza boxes under the branding TRAPSTAR and IT'S A SECRET.

Trapstar sells its goods predominantly in the United Kingdom, but also exports its products to over 100 countries around the world including North America, the Middle East, Asia and Australia.

The Complainant is, *inter alia*, the owner of:

European Union Trademark Registration No 013149794 for TRAPSTAR registered on December 30, 2014;

United Kingdom Trademark Registration No. UK00913149794 for TRAPSTAR (device) registered on December 30, 2014;

United Kingdom Trademark Registration No. UK00003817822 for TRAPSTAR (device) registered on October 28, 2022;

United Kingdom Trademark Registration No. UK00002630632 for TRAPSTAR (device) registered on September 20, 2013;

United Kingdom Trademark Registration No. UK00003009252 for TRAPSTAR (device) registered on October 18, 2013;

United Kingdom Trademark Registration No. UK00003009256 for TRAPSTAR (device) registered on October 18, 2013; and

United States of America Trademark Registration No. 4704161 for TRAPSTAR registered on March 17, 2015.

In addition, the Complainant holds the domain name <trapstarlondon.com> (registered on March 22, 2010).

The disputed domain name was registered on July 7, 2022.

At the time of drafting this Decision, the disputed domain name redirects visitors to the commercial website "www.trapstar.ltd" which purports to offer TRAPSTAR-branded clothing.

Previously (January 20, 2023), the Complainant submitted evidence that the disputed domain name resolved to a website (the Respondent's website) displaying the same contents, *i.e.* purported TRAPSTAR-branded clothing.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

(a) the disputed domain name is confusingly similar to the Complainant's trademark; (b) the Respondent lacks any rights or legitimate interests in the disputed domain name; and (c) the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraphs 4(a)(i) – (iii) of the Policy require that the Complainant must demonstrate to the Panel that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established rights in the TRAPSTAR trademark.

The disputed domain name contains the Complainant's TRAPSTAR trademark with the addition of the term "official" and the generic Top-Level Domain ("gTLD") ".com".

The addition in the disputed domain name of the term "official" and the gTLD ".com" does not prevent the TRAPSTAR trademark from being recognizable in the disputed domain name.

Pursuant to section 1.8 of the Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") which states: "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. The nature of such additional term(s) may however bear on assessment of the second and third elements."

Therefore, the Panel finds the disputed domain name to be confusingly similar to the TRAPSTAR trademark in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services. Indeed, it appears that the Respondent has been using the term "Trapstar" and offering goods for sale bearing the Complainant's stylised trademark in an

attempt to confuse and deceive Internet users into doing business with the Respondent. In addition, the Respondent does not appear to be commonly known by the disputed domain name or by a similar name. Moreover, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel, on the basis of the evidence presented, accepts and agrees with the Complainant's contentions that the disputed domain name was registered and has been used in bad faith.

Based on the evidence put forward by the Complainant, the Panel is of the opinion that the Respondent was aware of the Complainant's trademark registrations and rights to the TRAPSTAR mark when it registered the disputed domain name.

The Complainant's TRAPSTAR trademark has been registered and used for several years.

The disputed domain name was and is used for a website where the content displayed shows the Complainant's trademark as well as purported TRAPSTAR-branded clothing.

Consequently it is clear that the Respondent registered the disputed domain name while aware of the Complainant's trademark and activity, and did so with the intention to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of either the Respondent and/or its website, so as to trick those users into doing business with the Respondent. This constitutes bad faith registration and use as well as a disruption of the Complainant's business under the Policy.

Inference of bad faith can also be found in the failure to respond to the Complainant's contentions, and the Respondent's lack of any rights or legitimate interests in the disputed domain name.

This Panel agrees with the Complainant's and previous panels' assertions that whilst the use of a domain privacy and/or proxy service can often be for perfectly proper purposes, the desire of the Respondent to conceal his identity when perpetrating an evidently dishonest act is a factor to be taken into account as further inference of the Respondent's bad faith.

BHP Billiton Innovation Pty Ltd v. Domains By Proxy LLC / Douglass Johnson, WIPO Case No. [D2016-0364](#): "[...] the Respondent has also sought to hide behind a privacy service. Whilst the use of such services can often be for perfectly proper purposes, the desire of the Respondent to conceal his identity when perpetrating an evidently dishonest act is another factor to take into account."

Finally, inference of bad faith can be seen in the fact that the Respondent, in the course of this proceeding, and thus when certainly aware of the Complainant's rights and claims, decided to redirect the disputed domain name to a different domain name, <trapstar.ltd>, which also contains in its entirety the Complainant's TRAPSTAR trademark, and is used for a website where the content displayed shows the Complainant's trademark and logo as well as purported TRAPSTAR-branded clothing.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

Therefore, the Complainant has satisfied 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 disputed domain name, <trapstarofficial.com>, be transferred to the Complainant.

/Fabrizio Bedarida/
Fabrizio Bedarida
Sole Panelist
Date: April 11, 2023