

## **ADMINISTRATIVE PANEL DECISION**

CRN Solutions, Inc. v. Jianjun He  
Case No. D2023-1252

### **1. The Parties**

The Complainant is CRN Solutions, Inc., United States of America (“United States”), represented Lincoln, Gustafson & Cercos LLP, United States.

The Respondent is Jianjun He, China.

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

The disputed domain name <primus-cable.com> (the “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 March 22, 2023. On March 23, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On March 23, 2023, 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. In response to a clarification request from the Center, the Complainant filed an amendment to the Complaint on March 23, 2023.

The Center verified that the Complaint and 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 April 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 26, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on May 5, 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a supplier of low voltage wire and cable, with over 5,000 products in stock. The Complainant first began using the tradename "Primus Cable" in commerce in 2012. The Complainant has registered the trademark PRIMUS CABLE (California trademark registration no. 122322 registered September 15, 2017). The Complainant has used its trademark in marketing in the United States and globally.

According to the Complainant, the Respondent registered the Domain Name on August 3, 2022. At the time of the Complaint, the Domain Name resolved to a webpage using the Complainant's logo and product photographs, inviting Internet users to input personal financial information. At the time of drafting the Decision, the Domain Name resolved to a warning page with the text "This website has been reported for potential phishing".

#### **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 Name. The Complainant provides evidence of trademark registrations and argues that its trademark has become "well and widely known and respected among the general public". The Complainant further argues that the Domain Name reproduces its trademark, with the addition of a hyphen. This is an intentional misspelling of the trademark.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Respondent reproduces the Complainant's trademark in the Domain Name without any authorization from the Complainant. The Respondent is not making any commercial or fair use of the Domain Name. On the contrary, the Respondent falsely misleads customers to the Respondent's website. The Respondent's website contains contradictory information and text misappropriated from various other websites/entities.

The Complainant believes that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name. The Domain Name has resolved to a webpage that attempted to assimilate the Complainant's website, including used the Complainant's trademark and logo as well as the Complainant's product pictures and descriptions. Therefore, the Complainant argues, the Respondent is intentionally attempting to attract the Complainant's customers by luring them to a confusingly similar website with the intention of tricking customers into believing that they are purchasing from the Complainant's company.

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

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

#### **6. Discussion and Findings**

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

The first element functions primarily as a standing requirement. The test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has established that it has rights in the California state registered trademark PRIMUS CABLE. However, United States state registrations are not always accorded the same deference as national trademark registrations by UDRP panels and may not on their own satisfy the UDRP's standing test. Nevertheless, the Complainant has demonstrated continued and substantial use of the trademark PRIMUS CABLE since 2012 to the extent that the Panel is satisfied that it has common law rights in that trademark for purposes of the Policy.

The Domain Name is almost identical to the Complainant's trademark, save the added hyphen. The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable 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. The use of the Domain Name is rather evidence of bad faith, see below. Moreover, the composition of the Domain Name points to an intention to confuse Internet users seeking or expecting the Complainant.

The Panel finds that the Complainant has made out an un rebutted *prima facie* case. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

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

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

It is probable that the Respondent was aware the Complainant and its prior rights, based on the composition of the Domain Name and the use of the Domain Name. The use of the Domain Name also indicates that the Respondent has used it to mislead internet users for the Complainant's commercial gain.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of 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 Name <primus-cable.com> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: May 19, 2023