

## **ADMINISTRATIVE PANEL DECISION**

Jeg's Automotive, LLC v. Jiali Deng

Case No. D2023-1536

### **1. The Parties**

The Complainant is Jeg's Automotive, LLC, United States of America (U.S.), represented by Ice Miller LLP, U.S.

The Respondent is Jiali Deng, China.

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

The disputed domain names <jegsparts.com> and <jegsshop.com> (the "Domain Names") are registered with Name.com, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 6, 2023. On April 11, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On April 13, 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 (Domain Protection Services, Inc., Whois Agent) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 18, 2023 providing the registrant and contact information behind the privacy service as disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on April 18, 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 April 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 15, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on May 19, 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 to ensure compliance with the Rules, paragraph 7.

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

The Complainant operates in automotive goods and services worldwide under the JEGS brand name. The Complainant runs a webpage at “www.jegs.com” since 1996 through which it provides goods and services to consumers, including automotive parts. The Complainant has registered several trademarks with the term JEGS, such as U.S. Trademark Registration no. 2,259,448 registered on July 6, 1999.

According to the Complainant, the Respondent registered the Domain Names on October 11, 2022. At the time of the Complaint and at the time of drafting the Decision, the Domain Names resolved to webpages that display the Complainant’s registered trademarks and logos and offer for sale identical and/or similar goods as the Complainant.

#### **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. The Complainant provides evidence of trademark registrations and argues that the Domain Names incorporate the Complainant’s trademark and merely add “shop” and “parts”, both of which are related to the Complainant’s goods and services.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Respondent reproduces the Complainant’s trademark in the Domain Names without any authorization from the Complainant. The Domain Names are almost identical to the Complainant’s trademark. The Respondent is not making any commercial or fair use of the Domain Names. The Respondent uses the Domain Names to sell unauthorized, illegitimate, and infringing goods to unaware and confused consumers.

The Complainant believes that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Names. The webpages operated on the two Domain Names are clearly intended to impersonate the Complainant and its JEGS brand and products. The webpages display without authorization the Complainant’s registered trademarks and logos and offer for sale identical and/or similar goods bearing Complainant’s JEGS trademarks, thereby giving the false impression that they are operated by Complainant. The Respondent has registered and uses the Domain Names to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s JEGS marks. Finally, the Respondent appears to be a serial trademark and domain name infringer. The email contact listed on the websites of both Domain Names is the same email listed on numerous other infringing websites.

##### **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 trademark JEGS. The Domain Names incorporate the Complainant's trademark, adding "shop" and "parts". The additions do not prevent a finding of confusing similarity between the Domain Names 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 Names are 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 Names as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services. The use, as it intends to confuse Internet users seeking the Complainant, is evidence of bad faith, see below.

The Panel finds that the Complainant has made out an un rebutted *prima facie* case.

The Panel further notes that the disputed domain name containing the Complainant's trademark together with terms related to the Complainant's goods and services, and which are used for webpages that display the Complainant's registered trademarks and logos and offer for sale identical and/or similar goods as the Complainant, create an impermissible risk of confusion.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names 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 clear from the composition of the Domain Names and the use of the Domain Names that the Respondent knew of the Complainant and its prior rights when the Respondent registered the Domain Names. The Respondent's use of the Domain Names is not *bona fide* but clear evidence of bad faith by a respondent that appears to be a serial cybersquatter.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are 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 the Domain Names <jegsparts.com> and <jegsshop.com> be transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: May 26, 2023