

ADMINISTRATIVE PANEL DECISION

Ford Motor Company and Ford Motor Company of Canada, Limited v. si jun
huang, huangsi jun
Case No. D2023-2517

1. The Parties

The Complainants are Ford Motor Company, United States of America (“United States”) (“the First Complaint”) and Ford Motor Company of Canada, Limited, Canada, (“the Second Complaint”), represented by Kucala Burgett Law LLC, United States.

The Respondent is si jun huang, huangsi jun, China.

2. The Domain Name and Registrar

The disputed domain name <forestlakeford.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 12, 2023. On June 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 12, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 16, 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 June 21, 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 June 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 25, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on August 3, 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 first Complainant, Ford Motor Company, founded in 1903, is a global automotive industry leader. It manufactures or distributes automobiles across the world and has approximately 170,000 employees.

The Complainant has obtained numerous trademark registrations globally for the mark FORD and marks which incorporate FORD, including United States registration No 1,574,747 for goods in classes 12 and 17 registered on January 2, 1990 and Chinese registration No. 75,656 for goods in class 12, registered on November 22, 1976.

In addition to its own corporate websites, including “www.ford.com” the Complainant has licensed its dealers and distributors to use tradenames and domain names that incorporate the FORD trademark. These domain names are frequently comprised of the FORD mark combined with geographic identifier and/or a country code domain extension reflecting the dealers’ or distributors’ particular geographic market.

The disputed domain name was registered on November 21, 2022.

The disputed domain name initially resolved to a website that contained information about the company Kaifeng Longting Dandong Fuding Composite Processing Factory in the business of manufacturing “wire and cable” as argued in the Complaint. At the time of filing of the Complaint, the disputed domain name did not resolve to an active website.

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 disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trademark FORD, since it reproduces the mark in its entirety. The addition of the terms “forest lake” further increases the likelihood for confusion as consumers are likely to believe that a domain name comprised of a geographic term and the FORD mark will lead to a website operated by a Ford dealer or distributor or is otherwise authorized by Ford located in the “Forest Lake”.

The Complainant further submits that the Respondent has no prior rights or legitimate interests in the disputed domain name, nor is the Respondent affiliated or connected with the Complainant in any way, or has the Respondent been authorized by the Complainant to register the disputed domain name. In addition, the Respondent is not commonly known by the disputed domain name.

The Complainant finally submits that the disputed domain name was registered and is being used in bad faith. The Complainant thus submits that the Respondent knew or should have known of the Complainant’s rights in the FORD mark prior to registration of the disputed domain name, that the Respondent intentionally attempted to attract Internet users to the disputed domain name for commercial gain, and that it is exceedingly unlikely that the Respondent can establish any good faith use of the disputed domain name just as the Respondent’s use of a privacy service to mask its identify further supports a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the trademark and service mark FORD for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms here, "forest lake", may bear on assessment of the second and third elements, the Panel finds the addition of such terms do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Therefore, the Panel finds the first element of the Policy has been established.

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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

Based on the available record, the Panel finds the second element of the Policy has been established.

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.

The Panel considers that the record of this case reflects that the Respondent initially used the disputed domain name in an attempt to attract, for commercial gain, Internet users to its web site, by creating a

likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site or location or of a product or service on the Respondent's web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The fact that the that disputed domain name does not appear to be used actively anymore, does not prevent a finding of bad faith in the circumstances of this proceeding. [WIPO Overview 3.0](#), section 3.3. Based on the available record, the Panel finds the third element of the Policy has been established.

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 <forestlakeford.com> be transferred to the Complainant.

/Knud Wallberg/

Knud Wallberg

Sole Panelist

Date: August 23, 2023