

ADMINISTRATIVE PANEL DECISION

Calvin Broadus v. 卢剑锋 (jianfeng lu)

Case No. D2024-0589

1. The Parties

The Complainant is Calvin Broadus, United States of America (“United States”), represented by Venable, LLP, United States.

The Respondent is 卢剑锋 (jianfeng lu), China.

2. The Domain Name and Registrar

The disputed domain name <snooponthestoops.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 8, 2024. On February 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 2024, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed the amendments to the Complaint in English on February 24, 2024, and February 29, 2024.

On February 21, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On February 27, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amendments 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 in Chinese and English of the Complaint, and the proceedings commenced on March 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 26, 2024.

The Center appointed Andrew Sim as the sole panelist in this matter on March 28, 2024. 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, an individual widely known as "Snoop Dogg", is a distinguished musician and celebrity. The Complainant owns the SNOOP Trademarks registered in international classes in numerous countries worldwide ("SNOOP Marks"). The Complainant has a massive following across multiple social media platforms, and he uses the SNOOP Marks extensively on a wide variety of products including but not limited to musical recordings, apparel, and smoking accessories among other goods and services.

Amongst others, the Complainant owns the following trademark registrations in the United States:

(a) SNOOP ON THE STOOP in Class 28, United States Patent and Trademark Office Registration No. 7063843, registered on May 23, 2023 (the "SNOOP ON THE STOOP Trademark"); and

(b) SNOOP DOGG in Classes 9, 25 and 41, United States Patent and Trademark Office Registration No. 2697128, registered on March 18, 2003.

In connection with the Complainant's business ventures, the Complainant sells doll figurines named SNOOP ON THE STOOP featuring his likeness in Christmas attire through authorized retailers. The Complainant operates its Internet presence at "www.snoopdogg.com", which features news, films, music, campaigns, appearances, and Snoop TV. The website also provides links to the Complainant's social media accounts, mobile application, and an online store at "www.snoopermarket.com" where authentic SNOOP DOGG merchandise can be purchased.

The disputed domain name was registered on November 11, 2023. At the time of the Complaint, the disputed domain resolves to a website purportedly offering sale of SNOOP ON THE STOOP products on heavy discount. According to the Complainant's best knowledge, these products are counterfeit products as the Complainant has not granted any license, consent, or authorization to the Respondent in anyway to use the SNOOP ON THE STOOP Trademark.

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 (i) the disputed domain name is identical or confusingly similar to the Complainant's registered SNOOP ON THE STOOP Trademark with the minor addition of the letter "s" the addition of the generic Top-Level Domain ("gTLD") identifier ".com"; (ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name, and there is no evidence that the Respondent uses the disputed domain name in connection with the bona fide offering of goods or services or noncommercial fair use, in particular as evidenced by the sale of counterfeit SNOOP ON THE STOOP products without the Complainant's permission or authorization; and (iii) the disputed domain name was registered and is being used in bad faith, considering the fact that the disputed domain name was registered

at a time when the SNOOP Marks and SNOOP ON THE STOOP Trademark, which were clearly distinctive and have no meaning other than as reference to the Complainant, were well-known to consumers globally.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that English to be the language of the proceeding. The Complainant submits that it would be burdensome and costly for the Complainant to translate its Complaint and all correspondence related to this proceeding into Chinese as the Complainant is an individual based in the United States and none of the Complainant's legal representatives read or speak Chinese. Conversely, the Respondent appears to be conversant in English as the website resolved from the disputed domain name features product offerings in English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name, with the minor addition of the letter "s" at the end of the SNOOP ON THE STOOP Trademark, as well as the addition of the gTLD identifier ".com". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available 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 such as those enumerated in the Policy or otherwise.

According to the Complainant, the disputed domain resolves to a website purportedly offering sale of SNOOP ON THE STOOP products on heavy discount, and the Complainant has not granted any license, consent, or authorization to the Respondent in any way to use the SNOOP ON THE STOOP Trademark. There is not any disclaimer on the website explaining the relationship between the Parties. Under such circumstances, the Panel infers that the products offered on the website for sale are most likely to be counterfeit. Furthermore, panels have held that the use of a domain name for illegal activity, namely the sale of counterfeit goods in this current matter, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the SNOOP ON THE STOOP Trademark is distinctive in nature and has no meaning other than as reference to Snoop Dogg (i.e., the Complainant) and Snoop Dogg’s goods and services. The Panel is satisfied that the Respondent registered the disputed domain name at a time when the Respondent knew or should have known of the value of the SNOOP ON THE STOOP Trademark and its distinctive quality.

It is also the Complainant’s contention that the disputed domain name offers sales of what are likely to be counterfeit products under the SNOOP ON THE STOOP Trademark, which the Respondent has not disputed. Panels have held that the use of a domain name for illegal activity, namely the sale of counterfeit goods in this present case, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <snooponthestoops.com> be transferred to the Complainant.

/Andrew Sim/

Andrew Sim

Sole Panelist

Date: April 11, 2024