

ADMINISTRATIVE PANEL DECISION

Get Weird, LLC v. Hera Tech
Case No. D2024-1345

1. The Parties

The Complainant is Get Weird, LLC, United States of America (“United States”), represented by ESCA Legal, United States.

The Respondent is Hera Tech, Pakistan.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 28, 2024. On April 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 3, 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 an amendment to the Complaint on the same date.

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 April 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 29, 2024.

The Center appointed Mladen Vukmir as the sole panelist in this matter on May 20, 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 is a United States company founded in 2015. The Complainant owns the streetwear brand ANTI SOCIAL SOCIAL CLUB, and sells its products (apparel, action figures, cell phone accessories etc.) internationally through various online platforms, under its trademark ANTI SOCIAL SOCIAL CLUB.

The Complainant is the owner of numerous registered ANTI SOCIAL SOCIAL CLUB trademarks in various jurisdictions, including international ANTI SOCIAL SOCIAL CLUB word trademark registered on April 15, 2016, under the registration number 1299501, for goods and services in Class 25, and ANTI SOCIAL SOCIAL CLUB International Registration number 1488391 (figurative) registered on July 1, 2019, for Classes 9, 18, 25, and 35 (“ANTI SOCIAL SOCIAL CLUB Trademarks”).

The disputed domain name was registered on March 1, 2024. It resolves to a website featuring ANTI SOCIAL SOCIAL CLUB Trademarks, impersonating the Complainant and offering for sale clothing and accessories marked with the Complainant’s ANTI SOCIAL SOCIAL CLUB Trademarks.

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 Complainant is the owner of well-known and globally recognized ANTI SOCIAL SOCIAL CLUB registered trademark and brand. Since its founding in 2015, the Complainant has become a globally recognized streetwear brand and a pop culture symbol under ANTI SOCIAL SOCIAL CLUB Trademarks, which are registered for various products and services including apparel, accessories, housewares, and retail services. The Complainant emphasizes its exclusivity through limited product drops and collaborations with major brands across various industries (i.e., collaborations with Rimowa, Comme des Garçons, Vans, Nike, Playboy, Samsung, Hotwheels, Hello Kitty, NBA, EA Sports, UFC, Honda, Toyota, Period Correct etc.);

(ii) the disputed domain name fully integrates the Complainant’s ANTI SOCIAL SOCIAL CLUB Trademarks, incorporating elements such as double letters (“i”, “l”), the plural word “socials”, and the inclusion of the “.shop” Top-Level Domain (“TLD”). Despite these additions, the dominant impression of ANTI SOCIAL SOCIAL CLUB Trademarks remains intact, distinctly associating with the Complainant’s trademark and related products. Additionally, the inclusion of “.shop” TLD amplifies the potential for confusion, directly aligning with the Complainant’s commercial services.

(iii) the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is using the domain name to impersonate the Complainant and confuse the public by selling counterfeit ANTI SOCIAL SOCIAL CLUB products, falsely suggesting an affiliation with the Complainant. The Respondent’s website misleadingly appears to be the official site of the Complainant. The Complainant has not authorized the use of its trademarks, and the Respondent is not a licensee. The disputed domain name is used to divert consumers from the Complainant’s legitimate site. The website created under the disputed domain name unlawfully reproduces the Complainant’s trademarks without authorization or disclaimers, falsely presenting itself as “Anti Social Social Club”. The Respondent has not made legitimate non-commercial or fair use of

the disputed domain name, and fails to make a bona fide offering of goods and fails to have a legitimate interest in the disputed domain name.

(iv) the Respondent registered and is using the disputed domain name in bad faith. The globally recognized ANTI SOCIAL SOCIAL CLUB Trademarks make it likely that the Respondent was aware of them when registering the disputed domain name. The website sells counterfeit products and prominently displays the Complainant's ANTI SOCIAL SOCIAL CLUB Trademarks. The Respondent's concealment of contact information and use of a proxy server to exploit the Complainant's goodwill further supports bad faith. The Respondent's actions likely aim to create an impression of association with the Complainant's products, leading to public confusion and indicating an intention for commercial gain.

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

The misspelled version of the Complainant's ANTI SOCIAL SOCIAL CLUB trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's ANTI SOCIAL SOCIAL CLUB trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name consists of the Complainant's ANTI SOCIAL SOCIAL CLUB trademark incorporating additional letters "i", "l", and "s". This Panel's view is that adding letters "i", "l", and "s", in light of all circumstances of this particular case, represents an intentional misspelling of the Complainant's ANTI SOCIAL SOCIAL CLUB trademark, i.e., typosquatting. A domain name which consists of a common, obvious, or intentional misspelling of a trademark should be considered as confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

Regarding the TLD ".shop" in the disputed domain name, as a standard registration requirement it should be disregarded under the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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.

The Respondent has no rights or legitimate interests in the disputed domain name that is the subject of this Complaint. The Complainant has not authorized the use of ANTI SOCIAL SOCIAL CLUB Trademarks, nor is the Respondent a licensee. The Respondent's use of the disputed domain name is intended to impersonate the Complainant, confuse the public, and sell the products marked with the Complainant's ANTI SOCIAL SOCIAL CLUB Trademarks. There is no evidence in the case file or otherwise apparent to the Panel that the Respondent has been using the disputed domain name in connection with a bona fide offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name. The Respondent's actions are solely for financial gain through consumer deception, failing to demonstrate any rights or legitimate interests.

As regards the Complainant's claim that goods sold on the website are counterfeits, it is not necessary for the Panel to make any ultimate determination as to the nature of the goods, as the evidence clearly shows the Respondent has attempted to pass itself off as the Complainant also considering the lack of a prominent and accurate disclaimer regarding the relationship between the Complainant and the Respondent. Panels have held that the use of a domain name for illegal activity, such as impersonation/passing off, or the sale of counterfeit goods, 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 Respondent registered the disputed domain name and is using it for a website where it prominently displays the Complainant's ANTI SOCIAL SOCIAL CLUB Trademarks and offers for sale products marked with the Complainant's ANTI SOCIAL SOCIAL CLUB Trademarks. This Panel accepts that the Complainant's ANTI SOCIAL SOCIAL CLUB trademark is well known, and that it is highly unlikely that the Respondent was unaware of the Complainant and its ANTI SOCIAL SOCIAL CLUB trademark when it registered the disputed domain name, particularly considering the use to which the disputed domain name was put. The Panel finds that the composition of the disputed domain name, coupled with the use of the disputed domain name to resolve to a website seemingly impersonating the Complainant affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant.

In this Panel's view, the Respondent has registered the disputed domain name to intentionally attract, for commercial gain Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, affiliation or endorsement of the Respondent's website.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity here impersonation/passing off, or sale of counterfeit goods, 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 <antisocialsocialclub.shop> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: June 3, 2024