

ADMINISTRATIVE PANEL DECISION

K2 Trophies and Awards, LLC v. Theresa W Chavez
Case No. D2024-1869

1. The Parties

The Complainant is K2 Trophies and Awards, LLC, United States of America (“United States”), represented by Eckert Seamans Cherin & Mellott LLC, United States.

The Respondent is Theresa W Chavez, United States.

2. The Domain Name and Registrar

The disputed domain name <k2awards.shop> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2024. On May 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 3, 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 (Name Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 8, 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 amended Complaint on May 10, 2024.

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 May 14, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2024.

The Center appointed Evan D. Brown as the sole panelist in this matter on June 11, 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 in the business of providing trophies, medals, plaques and other awards products, as well as services related to such products. It owns the trademark K2AWARDS which it has registered in the United States (Reg. No. 7175775 registered on September 26, 2023 with a first use in commerce date in June 2002). The Complainant advertises and sells its products via its website at the domain name <k2awards.com> (registered on June 5, 2002).

According to the Whois records, the disputed domain name was registered on February 24, 2024. The Respondent has used the disputed domain name to set up a website that uses the Complainant's K2AWARDS mark with photographs, product names, and product descriptions that are copied from the Complainant's legitimate and authorized website. On or about April 1, 2024 counsel for the Complainant sent communications directed to the Respondent notifying the Respondent of its unauthorized activities and demanding that the Respondent cease and desist from its conduct. The Complainant received no response to this communication.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith. The Panel finds that all three of these elements have been met in this case.

A. Identical or Confusingly Similar

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. *Id.* This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). The Complainant has demonstrated its rights in the K2AWARDS mark by providing evidence of its trademark registration.

The disputed domain name incorporates the K2AWARDS mark in its entirety. This is sufficient for showing identity or confusing similarity under the Policy.

B. Rights or Legitimate Interests

On this point, the Complainant asserts, among other things, that: (1) the Respondent has no affiliation or connection with the Complainant or its services, (2) the Complainant has neither licensed nor entered into any relationship that would give rights to the Respondent to use the Complainant's K2AWARDS mark as a name, mark or domain name, or any component thereof, (3) the Respondent has made no use of, nor any demonstrable preparations to use, the disputed domain name or any name corresponding to the disputed domain name in connection with a bona fide offering of goods or services, (4) the Respondent has not been commonly known by the disputed domain name, and (5) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent's favor.

Accordingly, the Panel finds that the Complainant has established this second element under 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.

For example, under paragraph 4(b)(iv) of the Policy, a panel may find bad faith when a respondent "[uses] the domain name to intentionally attempt to attract, for commercial gain, Internet users to [respondent's] website or other online location, by creating a likelihood of confusion with complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or a product or service on [the respondent's] website or location".

In the present case, the Panel notes that the Respondent has used the disputed domain name to set up a website that uses the Complainant's K2AWARDS mark with photographs, product names, and product descriptions that are copied from the Complainant's legitimate and authorized website at <k2awards.com>. The Panel finds that this is a clear example of bad faith registration and use. The Respondent has provided no argument or evidence as to any proper basis for having registered and used the disputed domain name. Accordingly, 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 <k2awards.shop> be transferred to the Complainant.

/Evan D. Brown/

Evan D. Brown

Sole Panelist

Date: June 25, 2024