

ADMINISTRATIVE PANEL DECISION

Stadium Enterprises LLC d/b/a Stadium Goods v. Zhang Qiang and Name Redacted

Case No. D2024-2409

1. The Parties

The Complainant is Stadium Enterprises LLC d/b/a Stadium Goods, United States of America (“United States”), represented by Corsearch, United States.

The Respondents are Zhang Qiang, China, and Name Redacted.¹

2. The Domain Names and Registrars

The disputed domain names <stadiumgoodsaustralia.com>, <stadiumgoodscanada.com>, <stadiumgoodsdeutschland.com>, <stadiumgoodsespana.com>, <stadiumgoodseu.com>, <stadiumgoodsfrance.com>, <stadiumgoodsgreece.com>, <stadiumgoodsireland.com>, <stadiumgoodsisrael.com>, <stadiumgoodsitalia.com>, <stadiumgoodsjapan.com>, <stadiumgoodsmexico.com>, <stadiumgoodsnederland.com>, <stadiumgoodsnorge.com>, <stadiumgoodsnz.com>, <stadiumgoodsromania.com>, <stadiumgoodsschweiz.com>, <stadiumgoodssouthafrica.com>, <stadiumgoodssuisse.com>, <stadiumgoodssuomi.com>, <stadiumgoodssverige.com>, <stadiumgoodsturkiye.com>, <stadiumgoodsuae.com>, <stadiumgoodsuk.com> Paknic (Private) Limited. The disputed domain name <stadiumgoodsportugal.com> is registered with REG.RU LLC (the “Registrars”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 12, 2024. On June 13, 2024, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On June 13 and 14, 2024, the Registrars

¹The Respondent appears to have used the name of a third party when registering one of the disputed domain names. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (PRIVATE / Web Domains By Proxy) and contact information in the Complaint.

The Center sent an email communication to the Complainant on June 18, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaints for the disputed domain name associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on June 22, 2024.

On June 19, 2024, the Center informed the parties in Russian and English, that the language of the Registration Agreement for the disputed domain name <stadiumgoodsportugal.com> is Russian, and the language of the Registration Agreements for the 24 other disputed domain names is English. On June 22, 2024, the Complainant requested English to 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 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 in both English and Russian, and the proceedings commenced on June 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2024. The Respondents did not submit any response. A third party sent an email communication to the Center on June 27, 2024.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on August 9, 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 was founded in 2015 and is a sneaker and streetwear retailer. Based in New York City, the company operates a retail store and a drop-off center in SoHo, Manhattan, as well as an online store at "www.stadiumgoods.com". The Complainant was acquired by the London-based online retail company Farfetch in 2018.

The Complainant specializes in sneakers and streetwear items that are no longer available at traditional retailers, pre-authenticating its entire inventory and guaranteeing that all of its products are genuine and unworn, unless stated otherwise.

The Complainant is the owner, amongst others, of the following trademark registrations:

- United States Registration No. 4,983,346 for the word mark STADIUM GOODS registered on June 21, 2016, in class 35;
- United States Registration No. 5,148,214 for the word mark STADIUM GOODS registered on February 21, 2017, in class 25; and
- International Trademark Registration No. 1291489 for the word mark STADIUM GOODS registered on January 15, 2016, in classes 25 and 35.

The disputed domain names were registered on and are presently used as follows:

Disputed Domain Name	Registration Date	Present Use
<stadiumgoodsaustralia.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodscanada.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsdeutschland.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsespana.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodseu.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsfrance.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsgreece.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsireland.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsisrael.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsitalia.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsjapan.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsmexico.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsnederland.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsnorge.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsnz.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsportugal.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsromania.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsschweiz.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodssouthafrica.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodssuisse.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodssuomi.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodssverige.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsturkiye.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsuae.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.
<stadiumgoodsuk.com>	December 2, 2022	Online shop reproducing the Complainant's mark and products.

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 names.

Notably, the Complainant contends that it has an established Internet presence and operates a webpage using the STADIUM GOODS mark at "www.stadiumgoods.com", having spent substantial time, effort, and money advertising and promoting its mark and has thus developed substantial goodwill and enjoys widespread consumer recognition.

The Complainant contends that the disputed domain names are subject to common control and the consolidation of multiple Respondents would be fair and equitable to all Parties given that all disputed domain names: (i) incorporate the Complainant's STADIUM GOODS trademark with the addition of a geographical term afterwards; (ii) resolve to identical or nearly identical websites; (iii) were registered on the same date; (iv) share the same registrant email address; (v) share similar IP addresses, and (vi) do not accurately or prominently disclose the Respondent's lack of a relationship with the Complainant.

According to the Complainant, the disputed domain names incorporate the Complainant's trademark in its entirety; the addition of geographical terms and abbreviations, such as: "australia", "canada", "deutschland", "espana", "eu", "france", "greece", "ireland", "israel", "italia", "japan", "mexico", "nederland", "norge", "nz", "portugal", "romania", "schweiz", "southafrica", "suisse", "suomi", "sverige", "turkiye", "uae" and "uk", not preventing a finding of confusing similarity thereof.

As to the absence of rights or legitimate interests, the Complainant argues that: (i) the Respondent is not commonly known by the disputed domain names, also there not being any evidence that at the time the Respondent registered the disputed domain names it had trademark or intellectual property rights in either; (ii) the Complainant is not affiliated with the Respondent, not having the Complainant licensed the STADIUM GOODS trademark to the Respondent, also not having the Complainant granted the Respondent any right, authorization, or permission to use Complainant's STADIUM GOODS trademark in a domain name or in any other capacity; (iii) the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services or making a legitimate noncommercial or fair use because the Respondent implies a connection with the Complainant given that the websites available at the disputed domain names prominently depict the STADIUM GOODS trademark claiming to sell footwear and apparel; (iv) also copying original elements and content from the Complainant's official website thus creating a false association with the Complainant; and (v) the websites available at the disputed domain names do not accurately and prominently disclose the Respondent's (lack of a) relationship with the Complainant.

In what it relates to the bad faith registration and use of the disputed domain names, the Complainant asserts that the Respondent was fully aware of the Complainant and its trademark at the time of registration of the disputed domain names as shown by the use made of the disputed domain names in an attempt to impersonate the Complainant and defraud its customers.

B. Respondent

The Respondent did not reply to the Complainant's contentions. A third party sent an email to the Center on June 27, 2024, indicating identity theft had occurred. It appears from the record that the third party's identity and physical address were used without consent in the registration of the disputed domain name <stadiumgoodsportugal.com>.

6. Discussion and Findings

6.1. Procedural Matter – Language of the Proceeding

The language of the Registration Agreement for <stadiumgoodsportugal.com> disputed domain name is Russian. The language of the Registration Agreements for the other 24 disputed domain names is English. 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 the language of the proceeding be English for several reasons, given that: (i) the websites that resolve from the disputed domain names contain content that is predominantly in English, which demonstrates that the Respondent is conversant in English; (ii) the disputed domain names consist of English words (or at least latin characters) added to the Complainant's English-language trademark; (iii) the named Respondent, Zhang Qiang, has been named respondent in previous UDRP decisions where the cases proceeded in English; and (iv) the Complainant has no knowledge of Russian and if required to submit the Complaint and Annexes to Russian, the Complainant would incur substantial translation costs and the proceedings would be delayed.

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

The Panel has also considered the above-referenced identity theft associated with the registration of the one disputed domain name with a Russian language Registration Agreement, as well as the below consolidation discussion and the fact that the remaining 24 disputed domain names all have Registration Agreements in English.

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 Procedural matter – Consolidation of Multiple Respondents

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity, or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes, as seen above, that all disputed domain names: (i) entirely incorporate the Complainant's STADIUM GOODS trademark; (ii) were registered on the same date; (iii) resolve to practically identical websites, impersonating the Complainant; (iv) share share the same registrant email address; and (v) share similar IP addresses.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

6.3 Substantive matter

Paragraph 4(a) of the Policy sets forth the following three requirements which the Complainant must meet in order for the Panel to order the transfer of the disputed domain names:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (“australia”, “canada”, “deutschland”, “espana”, “eu”, “france”, “greece”, “ireland”, “israel”, “italia”, “japan”, “mexico”, “nederland”, “norge”, “nz”, “portugal”, “romania”, “schweiz”, “south africa”, “suisse”, “suomi”, “sverige”, “turkiye”, “uae”, and “uk”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain name. This entitles the Panel to draw any inferences from such default as it considers appropriate, pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make at least a prima facie case against the Respondent under the second UDRP element.

In that sense, the Panel notes that the Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, indeed stating that it has not licensed the STADIUM GOODS trademark to the Respondent, also not having granted the Respondent any right, authorization, or permission to use the Complainant's STADIUM GOODS trademark in a domain name or in any other capacity.

Also, the lack of evidence of the Respondent being commonly known by the disputed domain names and the absence of any trademarks registered by the Respondent corresponding to the disputed domain names, as well as the apparent identity theft associated with one of the disputed domain names, corroborates the indication of an absence of rights or legitimate interests in the disputed domain names.

Also, according to the evidence submitted by the Complainant, the use made of the disputed domain names in connection websites impersonating the Complainant, clearly suggest at least an affiliation with the Complainant which in fact does not exist. Lastly, the lack of any disclaimer in the websites that resolve from the disputed domain names indicate that the Respondent was actively attempting to create the false impression that the disputed domain names are linked, endorsed, or authorized by the Complainant, which is not true.

Therefore, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain names. The second element of the Policy has also been met.

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 registration and use of the disputed domain names in bad faith can be found in the present case in view of the following circumstances:

- (i) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain names, not having submitted a response;
- (ii) the well-known status of the Complainant's trademark;
- (iii) the nature of the disputed domain names (reproducing the entirety of the Complainant's trademark and various geographic terms);
- (iv) the Respondent's likely intention to unduly profit from creating a likelihood of confusion with the Complainant's trademark by using the disputed domain names as the Respondent's online shops, containing the Complainant's mark and products;
- (v) the Respondent's choice to use privacy protection services to conceal its identity; and
- (vi) the indication of what appears to be false or incomplete contact information, in particular the apparent identity theft associated with the registration details of one of the disputed domain names.

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 names <stadiumgoodsaustralia.com>, <stadiumgoodscanada.com>, <stadiumgoodsdeutschland.com>, <stadiumgoodsespana.com>, <stadiumgoodseu.com>, <stadiumgoodsfrance.com>, <stadiumgoodsgreece.com>, <stadiumgoodsireland.com>, <stadiumgoodsisrael.com>, <stadiumgoodsitalia.com>, <stadiumgoodsjapan.com>, <stadiumgoodsmexico.com>, <stadiumgoodsnederland.com>, <stadiumgoodsnorvege.com>, <stadiumgoodsnz.com>, <stadiumgoodsportugal.com>, <stadiumgoodsromania.com>, <stadiumgoodsschweiz.com>, <stadiumgoodssouthafrica.com>, <stadiumgoodssuisse.com>, <stadiumgoodssuomi.com>, <stadiumgoodssverige.com>, <stadiumgoodsturkiye.com>, <stadiumgoodsuae.com> and <stadiumgoodsuk.com> be transferred to the Complainant.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: August 23, 2024