

ADMINISTRATIVE PANEL DECISION

Crutchfield Corporation v. Williams Bogdan

Case No. D2024-3275

1. The Parties

The Complainant is Crutchfield Corporation, United States of America, represented by Brann & Isaacson, United States of America.

The Respondent is Williams Bogdan, United States of America.

2. The Domain Name and Registrar

The disputed domain name <jakecrutchfield.com> 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 August 13, 2024. On August 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 August 14, 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 August 15, 2024.

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 August 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2024.

The Center appointed Brian J. Winterfeldt as the sole panelist in this matter on September 25, 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 states in its Complaint and provides evidence in the respective Annexes sufficient to support that the Complainant is a Virginia-based company headquartered in Charlottesville, Virginia, specializing in consumer electronics, including mobile audio and visual equipment. Founded in 1974, the Complainant has become widely recognized as a leading retailer of electronics, known for its comprehensive online retail presence and direct mail catalog operations.

The Complainant holds a federal trademark registration for the mark CRUTCHFIELD, which was registered with the United States Patent and Trademark Office on August 20, 1996, under United States Registration Number 1994416. The Complainant has used the CRUTCHFIELD mark continuously in commerce since August 1974, in connection with a wide variety of goods and services, including retail, mail order, and online services featuring electronic equipment. The Complainant conducts business globally through distribution of its catalog and its website at “www.crutchfield.com”, registered on July 20, 1995.

The Complainant’s CRUTCHFIELD mark is well-known, and the company relies on the mark in marketing its goods and services to the public. The Complainant’s catalog has an annual distribution exceeding 6,000,000 copies. The Complainant’s registration of the CRUTCHFIELD mark and its continuous use of the mark since 1974 establish its rights in the mark.

The disputed domain name was registered on February 6, 2024, and currently resolves to a website offering fraudulent Crutchfield goods at discounted prices. The site contains Crutchfield-branded material and mirrors the layout and design of the Complainant’s own legitimate 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 Respondent made unauthorized use of the Complainant’s well-known CRUTCHFIELD trademark in its entirety, with only the addition of “jake” to the beginning of the disputed domain name. The Complainant asserts that this deliberate use of the CRUTCHFIELD mark in the disputed domain name is designed to confuse the public. The disputed domain name resolves to a website offering fraudulent Crutchfield-branded goods at discounted prices. The Respondent’s website contains CRUTCHFIELD-branded material, entirely copied from the Complainant’s official site, and is designed to mirror the layout and design of the Complainant’s own legitimate website, further exacerbating confusion due to the striking similarity between the fraudulent website and the official site for CRUTCHFIELD-branded goods.

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

Although the addition of other terms (here, “jake”) may bear on assessment of the second and third elements, the Panel finds the addition of such term does 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.

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 concerning the disputed domain name. The Respondent’s use of the disputed domain name does not satisfy any of the criteria demonstrating a legitimate interest as outlined in Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy. Notably, the Complainant has not authorized the use of its well-known CRUTCHFIELD trademark.

The Respondent unequivocally lacks rights in the CRUTCHFIELD mark, which has been in commercial use by the Complainant for many decades prior to the infringing usage by the Respondent. The Respondent is utilizing the CRUTCHFIELD mark solely to divert traffic to their website, which does not offer any bona fide goods or services; thus, this does not constitute a legitimate interest.

The Respondent’s actions using the CRUTCHFIELD trademark suggest a clear intention to mislead consumers. The disputed domain name features CRUTCHFIELD-branded material and mimics the design of the Complainant’s legitimate website, which is likely to cause confusion among consumers. This strongly suggests that the Respondent’s intentions do not reflect good faith or legitimate use.

Panels have held that the use of a domain name for illegal activity (here, claimed as applicable to this case: attempted fraud and the sale of counterfeit goods) can never confer rights or legitimate interests on a respondent. In this case, the Respondent’s use of the disputed domain name to divert traffic and promote fraudulent offers of alleged CRUTCHFIELD-branded goods directly contravenes the principles established in [WIPO Overview 3.0](#), section 2.13.1. It was determined that a domain name used in an attempted fraud could not be registered for a legitimate purpose. These findings clearly indicate that the Respondent has no rights or legitimate interests in the disputed domain name.

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's use of the Complainant's CRUTCHFIELD mark appears to be a straightforward attempt at using the mark's fame and goodwill to increase their own profits and advertising revenue by attracting more consumers to their website, which is nothing more than an attempt to market fraudulent offers of likely counterfeit goods. Such a strategy is not employed in good faith; held in *Lilly ICOS LLC v. Tudor Burden d/b/a BM Marketing/Burden Marketing*, WIPO Case No. [D2005-0313](#), it was found that trading on the value established by the complainant in its marks to attract Internet users to sell the complainant's and competing products constituted bad faith registration and use as defined in Policy paragraph 4(b)(iv). Given the distinctive nature of the CRUTCHFIELD mark and its association with electronics, it is likely that consumers desiring to access the Complainant's offerings would assume that a proper address to do so is through the disputed domain name <jakecrutchfield.com>. The fact that the Respondent is using the CRUTCHFIELD mark to commercially benefit from increased traffic at the website to which their domain name resolves, as a result of this diversion of consumers, is evidence of bad faith.

In *International Business Machines Corporation v. chenaibin*, WIPO Case No. [D2021-0339](#), bad faith was demonstrated when the respondent, who had used the complainant's trademark in its domain name, was merely "diverting Internet users for commercial gain".

This is a clear-cut example of the type of unfortunate occurrence that the UDRP mechanism is designed to prevent. The Respondent exploited the CRUTCHFIELD mark in an effort to drive clicks to their own website, which offers nothing more than a fraudulent attempt to sell likely counterfeit goods or collect personal information from consumers. Given these factors, coupled with the well-known nature and longstanding use of the CRUTCHFIELD mark by the Complainant it must be concluded that the Respondent's acquisition and use of the disputed domain name was, and is, in bad faith.

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, claimed: sale of counterfeit goods, phishing, or impersonation/passing off) 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 Respondent's deliberate attempt to capitalize on the established reputation of the CRUTCHFIELD mark is evident. The evidence clearly indicates that the Respondent is using the CRUTCHFIELD mark to mislead consumers, drawing them to a website that offers likely fraudulent goods, thus exploiting the brand's fame and goodwill for their own financial gain. Such conduct not only misrepresents the authenticity of the products offered but also violates consumer trust, which is fundamentally at odds with good faith practices in online commerce.

The nature of the activities associated with the disputed domain name, including the sale of likely counterfeit goods and potential phishing scams, demonstrates a clear intent to deceive. This aligns with established case law, where using a domain name to divert traffic for profit—particularly through illegal means—is consistently recognized as bad faith. For instance, in *Lilly ICOS LLC v. Tudor Burden d/b/a BM Marketing/Burden Marketing*, the Panel identified similar tactics as indicative of bad faith, noting that the Respondent's actions were aimed at leveraging the complainant's established mark to lure unsuspecting consumers.

Furthermore, individuals seeking genuine CRUTCHFIELD- branded products may mistakenly believe that they are navigating to an official or affiliated site through the disputed domain name <jakecrutchfield.com>. The Respondent's strategy to capitalize on this confusion serves as a compelling illustration of bad faith registration and use, as outlined in the Policy.

Ultimately, the evidence presented demonstrates a systematic exploitation of the CRUTCHFIELD mark's goodwill, marked by a clear intent to mislead consumers for commercial advantage. Such actions are precisely the types of misconduct that the UDRP aims to prevent, affirming that the Respondent's registration and use of the disputed domain name constitutes bad faith. Accordingly, it is concluded that the Respondent has registered the disputed domain name using the CRUTCHFIELD mark in bad faith, fulfilling this essential element of 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 <jakecrutchfield.com> be transferred to the Complainant.

/Brian J. Winterfeldt/

Brian J. Winterfeldt

Sole Panelist

Date: October 8, 2024