

## ADMINISTRATIVE PANEL DECISION

Jordan Outdoor Enterprises, Ltd. v. yeqi hao  
Case No. D2024-3308

### 1. The Parties

1.1 The Complainant is Jordan Outdoor Enterprises, Ltd., United States of America (“United States”), represented by Eversheds Sutherland (US) LLP, United States.

1.2 The Respondent is yeqi hao, China.

### 2. The Domain Name and Registrar

2.1 The disputed domain name <camorealtree.com> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

3.1 The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 13, 2024. At that time publicly available Whois details did not identify the registrant of the Domain Name.

3.2 On August 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 14, 2024, the Registrar transmitted by email to the Center its verification response disclosing the underlying registrant details in respect of the Domain Name. The Center sent an email to the Complainant on August 16, 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 August 22, 2024.

3.3 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”).

3.4 In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 16, 2024.

3.5 The Center appointed Matthew S. Harris as the sole panelist in this matter on September 23, 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

4.1 The Complainant is based in the United States and is a designer, marketer, retailer, and licensor of camouflage patterns and products. It has since at least as early as 1985 offered thousands of products under the “Realtree” brand. These comprise a wide range of outdoor, hunting, fishing related products, including clothing and accessories, drinkware, firearms, paper goods, decals, fabrics, and decorative goods for the home and vehicles.

4.2 The Complainant is the owner of numerous registered trade marks around the world that comprise or incorporate the term “Realtree”. These include:

(i) United States registered trade mark no. 1736108 for REALTREE as a standard character mark in classes 8, 13, 18, 25 and 28 applied for on November 1, 1991 and registered on December 1, 1992;

(ii) European Union registered trade mark no. 000450130 for REALTREE as a word mark in classes 16 and 24 applied for on January 27, 1997 and registered on May 21, 1998; and

(iii) Chinese registered trade mark no. 1156833 for REALTREE as a word mark in class 24 applied for on January 30, 1997 and registered on March 7, 1998.

4.3 The Complainant also uses a figurative trade mark which is registered in various jurisdictions and which takes the following form:



4.4 The Complainant promotes its business and sells its products from a website that operates from the domain name <realtree.com>.

4.5 The Domain Name was registered on July 17, 2024. It has been used since registration for a website that in a number of respects looks similar to that operated by the Complainant. These similarities include the prominent display in the same position on the home page of the website of the Complainant’s figurative mark. That website also purports to sell a range of clothing products of the Complainant, but these products are offered for sale at a price that is 30% below that at which those products are ordinarily offered for sale. Further, the “contact us” page of the website, provides what purports to be an address in Louisville, Ohio, United States, but where the street name and number given does not in fact exist.

4.6 On the “about us” page of the website operating from the Domain Name is some small print text that can perhaps be read as identifying the business operating that website with the name “Hunting camouflage”, but there is no business with that name registered in Ohio. The same page also contains text (for example, the words “empower femininity by paying tribute to your inner babe”) that insofar as it is coherent at all, is somewhat incongruous given the nature of the products being offered for sale.

## **5. Parties' Contentions**

### **A. Complainant**

5.1 The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

5.2 In this respect the Complainant refers to its business and marks and the use being made of the Domain Name. The Complainant contends that the Domain Name incorporates its REALTREE mark and the term "camo", which it claims would be understood as an abbreviation of the word "camouflage", and that as a result the Domain Name is confusingly similar to its marks.

5.3 The Complainant also alleges that it is to be inferred from the price at which products are being sold on the Respondent's website operating, that these are counterfeit products. It also expresses a concern that this website might induce Internet users to give "sensitive personal and financial information to an online scammer".

### **B. Respondent**

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

## **6. Discussion and Findings**

### **A. Identical or Confusingly Similar**

6.1 It is generally 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 trade mark and the domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

6.2 The Complainant has shown that it has rights in the registered trade mark REALTREE. [WIPO Overview 3.0](#), section 1.2.1.

6.3 The Panel also accepts that the Domain Name can be most sensibly read as the term "Realtree" in combination with the term "camo" (which would be understood as an abbreviation of the word "camouflage") and the ".com" generic Top-Level Domain. Accordingly, the entirety of the Complainant's mark is reproduced within the Domain Name and, as a consequence, that mark is clearly recognisable within Domain Name.

6.4 It follows that the Domain Name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Further, the addition of the term "camo" does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

6.5 The Panel, therefore, finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests and Registered and Used in Bad Faith**

6.6 It is usual for panels under the Policy to consider the issues of rights or legitimate interests and registration and use in bad faith, in turn. However, in this case it is more convenient to consider those issues together. [WIPO Overview 3.0](#), section 2.15.

6.7 The Panel is persuaded that the Domain Name inherently and falsely represents that it is controlled by or approved of by the Complainant. Although the text “camorealtree” within the Domain Name might conceivably be read in a number of different ways, the most sensible reading is as the Complainant’s REALTREE mark combined with the word “camo”. The Panel also accepts that the word “camo” is descriptive of the Complainant’s products. It follows that the Domain Name is most likely to be understood by Internet users as one that is being or will be used for a website or other online presence or activity operated by the Complainant.

6.8 The Panel also accepts that it was the deliberate intention of the Respondent that the Domain Name be understood in this way, and that the Domain Name has been registered and held to impersonate the Complainant. Not only is this apparent from the Domain Name itself, but from the website operating from the Domain Name. This appears to have been designed to lead Internet users to believe that it a website operated by or otherwise connected with the Complainant. Particularly compelling in this respect is the positioning and prominent use of the Complainant’s figurative mark. The somewhat incoherent text and reference to “Hunting camouflage” in the small print on a couple of pages of the website might lead a small number of careful observers to conclude that the website is not operated by the Complainant, but this is unlikely to be noticed by most Internet users.

6.9 Further, the Panel accepts the Complainant’s claim that the website is more likely than not being used to sell counterfeit products. This is consistent with the Complainant’s contentions as to the price at which these products are being sold, and the fact that the website gives a geographical address for the Respondent’s business that does not exist. Further, these serious claims on the part of the Complainant have not been disputed by the Respondent.

6.10 There is obviously no rights or legitimate interests in holding a domain name for the purpose of impersonating a trade mark owner for the purposes of selling counterfeit goods (see sections 2.5.1 and 2.13 of the [WIPO Overview 3.0](#)), and the fact that a domain name is or has been used for such a purpose is evidence that no such rights or legitimate interests exist. Further, the registration and use of a domain name for such a purpose involves registration and use in bad faith (see, sections 3.1.4 and 3.4 of the [WIPO Overview 3.0](#)).

6.11 In the circumstances, the Panel finds that the second and third elements of the Policy have been established.

## 7. Decision

7.1 For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <camorealtree.com> be transferred to the Complainant.

*/Matthew S. Harris/*

**Matthew S. Harris**

Sole Panelist

Date: October 7, 2024