

ADMINISTRATIVE PANEL DECISION

Double D Ranchwear, Inc. v. Theresa W Chavez
Case No. D2024-4031

1. The Parties

The Complainant is Double D Ranchwear, Inc., United States of America (“United States”), represented by Chamberlain Hrdlicka, United States.

The Respondent is Theresa W Chavez, United States.

2. The Domain Name and Registrar

The disputed domain name <doubledranch.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 October 1, 2024. On October 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 2, 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 October 7, 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 October 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on November 1, 2024.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on November 12, 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 an American company incorporated and operating in the state of Texas. It designs and markets women's apparel and home furnishings with a Western theme under the DOUBLE D RANCH mark. It is the proprietor of United States Trademark Registration No. 2769577 for DOUBLE D RANCH (word mark), registered on September 30, 2003 for goods in classes 20, 21, 24 and 25, claiming a date of first use in November 1999.

Since 2003, the Complainant has operated an e-commerce site at the domain name <doubledranch.com>.

The disputed domain name was registered on February 23, 2024. At the time of the Complaint, the disputed domain name resolved to an e-commerce site offering for sale women's apparel and accessories with a Western theme, with references to the Complainant's mark for each item. The header on the website stated "The most recent Double D Ranch is available for sale at a bargain price." At the time of this Decision, the website was no longer active.

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 states that its DOUBLE D RANCH mark has been used in connection with women's apparel and home furnishings since 1999. The disputed domain name incorporates its mark and save for the generic Top-Level Domain ("gTLD"), it is identical to its domain name at <doubledranch.com>. The Respondent is not authorized to use the Complainant's mark. The website to which the disputed domain name resolved features the Complainant's mark and copyrighted images of its products. The Complainant believes that the Respondent is offering counterfeit products for sale. The Respondent has engaged in factually similar acts and has been the unsuccessful respondent in many other UDRP proceedings, demonstrating a pattern of abusive registrations.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 Complainant’s DOUBLE D RANCH mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Panel notes that the disputed domain name is identical to the Complainant’s DOUBLE D RANCH mark in its entirety. Such a composition carries a high risk of implied affiliation with the Complainant, which is inconsistent with a finding that the Respondent has rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.5.1.

The Panel notes that the Respondent’s website displays the words “The most recent Double D Ranch is available for sale at a bargain price”. The Respondent purports to offer for sale the Complainant’s products. Consistent with UDRP practice, the Panel finds that the use of the disputed domain name for illegitimate activity (here, claimed sale of counterfeit goods or impersonation/passing off) cannot confer rights or legitimate interests on the 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 intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The disputed domain name was registered more than 20 years after the Complainant registered its DOUBLE D RANCH trademark. The disputed domain name is identical to the Complainant's mark and therefore implies a connection to the Complainant. Under these circumstances, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.

The record contains evidence that the disputed domain name resolved to an e-commerce website displaying the Complainant's mark and purporting to offer the Complainant's goods at reduced prices. Panels have held that the use of a domain name for illegitimate activity (here, claimed sale of counterfeit goods or impersonation/passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The record contains evidence that the Respondent has engaged in a pattern of trademark-abusive domain name registrations. Under such circumstances and 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 has provided no evidence of actual or contemplated good-faith use of the disputed domain name, nor does the Panel find any such use plausible.

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 <doubledranch.shop> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: November 27, 2024