

ADMINISTRATIVE PANEL DECISION

LFUN INC v. KathleenCarter, DODSONCLAYTON, mike simon
Case No. D2024-4096

1. The Parties

The Complainant is LFUN INC, United States of America, internally represented.

The Respondent is KathleenCarter, United States of America, DODSONCLAYTON, United States of America, and mike simon, United Kingdom.

2. The Domain Names and Registrars

The disputed domain names <kriddobikes.shop>, <kriddokidsbalance.shop> and <kriddokidsgear.shop> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”). The disputed domain name <kriddowheels.shop> is registered with NameSilo, LLC (the “Registrar”). The disputed domain names will be referred to as the “Domain Names”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 5, 2024. On October 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On October 7, 2024, the Registrar NameSilo, LLC, transmitted by email to the Center its verification response disclosing registrant and contact information for the domain name <kriddowheels.shop> which differed from the named Respondent (“Respondents are unknown”) and contact information in the Complaint. On October 8, 2024, the Registrar PDR Ltd. d/b/a PublicDomainRegistry.com 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 (“Respondents are unknown”) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 9, 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 names 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 amendment to the Complaint on October 9, 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 October 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 4, 2024. The Respondents did not submit any responses. Accordingly, the Center notified the Respondents’ default on November 13, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on November 20, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant offers children’s tricycles and balance bikes under the trademark KRIDDO. In the year 2023, the KRIDDO brand had total sales of approximately USD \$17 million.

The Complainant has registered its trademark, see United States Patent and Trademark Office Registration Number 7151755 (registered on August 29, 2023). The Complainant registered the domain name <kriddo.com> in 2021.

The Respondents registered the Domain Names on and between April 29 and July 31, 2024. At the time of the Complaint, the Domain Names resolved to websites that purported to sell products authorized by the Complainant. At the time of drafting the Decision, the Domain Names resolved to error pages.

5. Parties’ Contentions

A. Complainant

The Complainant argues that the Domain Names are under common control. All the Domain Names resolve to websites with the same layout, visual appearance, branding elements and with a user interface that strongly suggests that they are being operated or controlled by the same entity. The uniformity in design indicates a deliberate coordination to mislead consumers, creating confusion with the Complainant’s brand. The products offered at the said websites are identical or highly similar and directly compete with the Complainant’s products. The use of the Domain Names, by incorporating the Complainant’s trademark to mislead consumers, suggests that they are being used as part of a single, unified scheme.

The Complainant provides evidence of trademark registration and argues that the Complainant’s trademark has significant consumer recognition and goodwill associated to it. Moreover, the Domain Names incorporate the KRIDDO mark in its entirety. The addition of generic, descriptive terms such as “wheels”, “kidsbalance”, “kidsgear”, and “bikes” does not differentiate the Domain Names from the Complainant’s mark but rather increases the likelihood of confusion.

The Complainant argues that the Respondents have no rights or legitimate interests in respect of the Domain Names. The Respondents reproduce the Complainant’s trademark in the Domain Names without authorization. The Respondents have not been commonly known by the Domain Names. The Respondents have not provided any evidence of bona fide use of, or demonstrable preparations to use, the Domain Names in connection with any legitimate offering of goods or services. The Domain Names have resolved to webpages that purport to mislead consumers into believing that they are authorized by or associated with the Complainant.

The Complainant argues it is reasonable to infer that the Respondents registered the Domain Names primarily for the purpose of selling or transferring them to the Complainant or its competitors for an amount

far exceeding the out-of-pocket costs directly related to the registration. The Respondents registered four Domain Names incorporating the Complainant's trademark, which demonstrates a clear pattern of bad faith behavior. The Respondents' use of the Domain Names is intended to disrupt the Complainant's business by diverting potential customers away from the Complainant's official website and leading them to websites that sell unauthorized or counterfeit products. The Respondents have intentionally attempted to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's trademark.

B. Respondents

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

6. Discussion and Findings

6.1. Procedural matter - consolidation

The Complaint was filed in relation to nominally different domain name registrants. The Complainant argues that the domain name registrants are the same entity or under common control. The Complainant requests consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards to common control, the Panel notes that the Domain Names are registered within a short time period all under the same generic Top-Level Domain (gTLD). Two of the four Domain Name registrations have the same listed registrant. Three of the four Domain Names have the same registrar. The Domain Names target the Complainant's trademark and have a similar structure. Importantly, the Domain Names have resolved to almost identical websites.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. The registrants have been granted the right to comment but opted not to.

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

6.2. Substantive Issues

A. Identical or Confusingly Similar

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has established that it has rights in the trademark KRIDDO. The Domain Names incorporate the Complainant's trademark with the addition of "wheels", "kidsbalance", "kidsgear" and "bikes". The additions do not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), sections 1.8 and 1.9.

For the purpose of assessing the confusing similarity under paragraph 4(a)(i) of the Policy, the Panel may ignore the gTLD. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, 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. While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. The Respondent has not rebutted the Complainant’s showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Names. The Respondent is not affiliated or related to the Complainant. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired trademark rights. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services.

Based on the available record, 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.

The incorporation of the Complainant’s trademarks in the Domain Names, and the use of the Domain Names, prove that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The use of the Domain Names to mimic the Complainant is clear evidence of bad faith use. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant’s trademark.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. 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 the Domain Names <kriddobikes.shop>, <kriddokidsbalance.shop>, <kriddokidsgear.shop> and <kriddowheels.shop> to be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: November 27, 2024