

## **ADMINISTRATIVE PANEL DECISION**

J.D. Watkins Enterprises, Inc. v. Mon Sweet, Purewater  
Case No. DME2022-0004

### **1. The Parties**

The Complainant is J.D. Watkins Enterprises, Inc., United States of America (“United States”), represented by BRANDIT GmbH, Switzerland.

The Respondent is Mon Sweet, Purewater, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <popz.me> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2022. On March 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 29, 2022, 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 April 5, 2022.

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 April 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 27, 2022.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on May 3, 2022. 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 the owner of the brand POPZ and the mother company of numerous affiliates around the world. Through its affiliated companies, the Complainant offers food products under the brand POPZ worldwide, including the United Kingdom where the Respondent resides.

The Complainant owns trademark registrations in various jurisdictions, including the European Union Trade Mark POPZ (No. 001094515, registered on August 17, 2000) and the United Kingdom trademark POPZ (No. UK00901094952, registered on May 16, 2000).

The Complainant further holds the domain name <popz.com> under which the official website of the Complainant is available. The Complainant advertises and sells its services through its <popz.com> domain name. The Complainant holds various other domain names incorporating the POPZ trademark.

The disputed domain name was registered on October 26, 2021 and resolves to an inactive website. Phishing emails impersonating the Complainant's personnel were sent from an email address incorporating the disputed domain name, providing a bank account and fake invoices to receive payment.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant alleges that it has satisfied all elements of the Policy, paragraph 4.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

Based on the facts and evidence introduced by the Complainant, and with regard to paragraphs 4(a), (b) and (c) of the Policy, the Panel concludes as follows:

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

The Complainant has submitted sufficient evidence to demonstrate its registered rights in the POPZ trademark.

The POPZ trademark is wholly reproduced in the disputed domain name. It has become a consensus view among UDRP panels that the applicable Top-Level Domain ("TLD") in a domain name is a standard registration requirement and as such may be disregarded when assessing confusing similarity under the first element of the Policy (see the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), sections 1.11.1 and 1.11.2).

Therefore, the Panel concludes that the disputed domain name is identical to the Complainant's POPZ trademark.

The Complainant has thus fulfilled the requirements of paragraph 4(a)(i) of the Policy.

## **B. Rights or Legitimate Interests**

There are no indications before the Panel of any rights or legitimate interests of the Respondent in respect of the disputed domain name. The Complainant contends that the Respondent is neither affiliated with the Complainant nor making any *bona fide* use of the disputed domain name.

The Complainant has provided evidence that the Respondent uses an email address utilizing the “@popz.me” extension to conduct a phishing and fraud scheme while taking advantage of the Complainant’s trademark notoriety; such use can never confer rights or legitimate interests to a respondent. See [WIPO Overview 3.0](#), section 2.13.

Based on the Complainant’s credible contentions, the Panel finds that the Complainant, having made out a *prima facie* case which remains unrebutted by the Respondent, has fulfilled the requirements of paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

Under the circumstances of this case, it can be inferred that the Respondent was aware of the Complainant’s trademark when registering the disputed domain name.

The evidence submitted by the Complainant supports a finding that the Respondent is engaged in an attempt to pass itself off as the Complainant to induce the Complainant’s customers into paying the Respondent’s fake invoices for the latter’s own benefit. The Respondent therefore uses the disputed domain name in bad faith (see *Claudie Pierlot v. Yinglong Ma*, WIPO Case No. [D2018-2466](#)).

Accordingly, the Complainant has also fulfilled paragraph 4(a)(iii) 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 <popz.me> be transferred to the Complainant.

*/Tobias Zuberbühler/*

**Tobias Zuberbühler**

Sole Panelist

Date: May 17, 2022