Decision for dispute CAC-UDRP-108151

Case number	CAC-UDRP-108151
Time of filing	2025-11-19 11:11:32
Domain names	47brandbase.shop, top47brandhome.shop, 47brandclub.shop, 47brande.shop, 47brandi.shop, 47branda.shop, 47brandh.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	47 BRAND, LLC

Complainant representative

Organization	Convey srl

Respondents

Organization	Privacy service provided by Withheld for Privacy ehf
Name	Nickolas Wilderman
Name	KentLorenz MJDNAH
Name	d's'da's'da's'd dasd
Name	Grisham David

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of the following marks:

- '47 (figurative), International registration, No. 1306371 registered on May 20, 2016, for goods in classes 16, 18, 24 and 25;

- 47 FORTY SEVEN BRAND (figurative), US registration No. 5146899, registered on February 21, 2017, claiming first use in commerce since January 2015, for goods in class 25;

- 47, US registration, No. 4277350, registered on January 15, 2013, claiming first use in commerce since July 31, 2008, for goods in

class 25.

The Complainant is also the owner of the domain names <47brand.com>, registered on October 16, 2009, <47brand.ca>, registered on December, 4, 2015, <47brand.co.jp>, registered on April, 8, 2025, and <47brand.mx>, registered on August, 20, 2018.

FACTUAL BACKGROUND

The Complainant is an American company headquartered in Buffalo, New York. The Complainant was established in 1947 and focused on quality and craftsmanship to create authentic headwear and apparel, specializing in the wholesale distribution of men's and boy's apparel and furnishing, including includes sportswear, hosiery, underwear, nightwear, and work clothing. The Complainant creates premium lifestyle apparel for the US major sport leagues and for over 900 US colleges. In 2015, the Complainant entered into a partnership with the Liverpool Football Club and in 2023 it opened a pop-up store in London (UK). The Complainant's products can be purchased online, and the Complainant has an active presence on the most popular social networks, such as "X", "Facebook", "Instagram", and YouTube.

The disputed domain names were registered between February and October 2025. They all resolve to websites featuring the Complainant's '47 figurative mark prominently and allegedly offering the Complainant's goods for sale. The Complainant tried to contact the Respondent through the contact form available on the Registrar's website, notifying the infringement and requesting to cease any use of the disputed domain names and transfer them to the Complainant. However, the Complainant never received a reply.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

As the disputed domain names are registered in the names of different individuals or entities, the Complainant requests that they be consolidated into a single UDRP dispute, as they are under common control. Consolidation would be procedurally efficient and fair to all parties. The disputed domain names have the same Registrant, Hosting Provider and top-level domain name (TLD) ".shop". They were all registered between February and October 2025, and all resolved to websites with the same look and feel. Furthermore, the disputed domain names are built along the same pattern. Given these similarities, the Complainant submits that the disputed domain names are subject to a common control, justifying their consolidation in a single UDRP proceeding.

The Complainant maintains that the disputed domain names are confusingly similar to the Complainant's marks. All the disputed domain names incorporate the Complainant's 47 mark together with the term "brand". The addition of generic terms, such as "top", "club", "base", "home", does not dispel the confusing similarity between the disputed domain names and the Complainant's marks, as the Complainant's mark remains clearly distinguishable within the disputed domain names. Furthermore, the top-level domain name “.shop” is merely instrumental to the use on the Internet.

The Complainant contends that the Respondent lacks rights or legitimate interests in the disputed domain names. There is no evidence to suggest that the Respondent holds any registered trademark rights relating to the disputed domain names. The Respondent registered the disputed domain several years after the ‘47 trademark became widely recognised. The Respondent is not a licensee or authorized agent of the Complainant, and has not been granted permission to use the Complainant’s trademarks. The Respondent is not an authorized reseller of the Complainant and has not been authorized to register or use the disputed domain names. Furthermore, based on the available information, the Respondent is not commonly known by the disputed domain names, whether as an individual, business, or organisation, and his surname does not correspond to “47 BRAND” or the disputed domain names. The Respondent has not provided the Complainant with any evidence of use, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services prior to receiving notice of the dispute. The disputed domain names redirect to websites featuring the Complainant's marks and offering counterfeit goods for sale. The use of a domain name for illegal activity can never confer rights or legitimate interests on a Respondent.

Lastly, the Complainant asserts that the Respondent has registered and is using the disputed domain name in bad faith. Regarding bad faith registration, the Complainant notes that its trademark registrations date back several decades. The Complainant's mark is widely used in commerce across multiple platforms. Therefore, the Respondent could not have been unaware of the Complainant's mark when registering the disputed domain names. This circumstance is further demonstrated by the Respondent's use of the disputed domain names to sell replicas of the Complainant's products. The fact that replicas of the Complainant's products were offered for sale on the websites corresponding to the disputed domain names indicates that the Respondent was fully aware of the Complainant’s mark’s reputation and that the Respondent's purpose in registering the disputed domain names was to capitalise on this reputation by diverting Internet users seeking the Complainant's products to the Respondent's websites.

With respect to use in bad faith, the Complainant argues that using the disputed domain names in connection with commercial websites where the Complainant’s trademarks are misappropriated and counterfeit products are offered for sale, clearly indicates

that the Respondent registered the disputed domain names with the intention of capitalising on the Complainant's trademark reputation by diverting Internet users seeking the Complainant's products to the Respondent's websites for financial gain. The Complainant also notes that the websites associated with the disputed domain names do not contain a disclaimer informing potential customers of the lack of a relationship with the Complainant. Moreover, the Respondent failed to respond to the trademark infringement notifications sent by the Complainant. The Respondent has also previously been involved in other proceedings as a Respondent, where it was ordered to transfer the disputed domain names. In addition, the Complainant claims that the physical address provided by the Respondent appears to be non-existent. This should further support the Respondent's bad faith.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

I. Consolidation

The Respondent has requested the consolidation of the disputed domain names in a single UDRP proceeding. Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the UDRP Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Panels have considered a range of factors, typically present in some combination, that are useful for determining whether such consolidation is appropriate. These include, similarities in: (i) the registrants' contact information including email address(es), postal address(es), or phone number(s); (ii) IP addresses, name servers, or webhost(s); (iii) the content or layout of websites corresponding to the disputed domain names; (iv) the nature of the marks at issue (e.g., where a registrant targets a specific sector); (v) any naming patterns in the disputed domain names; (vi) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, etc..

The Panel notes that the disputed domain names <47brandbase.shop> and <top47brandhome.shop> are registered by the same Respondent, "Lee Shuai", while the disputed domain names <47brandi.shop> and <47branda.shop> are registered by "d's'da's'da's'd dasd". The other disputed domain names are in the name of different Respondents. Therefore, in order to determine whether a consolidation of the disputes is appropriate in this case, it is indeed necessary to assess whether there are circumstances indicating that all the disputed domain names or corresponding websites are subject to common control.

In this respect, the Panel notes that all the disputed domain names were registered through the same Registrar and are hosted by the same ISP. Moreover, they were all registered between February and October 2025, with <47brandh.shop>, allegedly in the name of "Grisham David" and <47branda.shop>, allegedly in the name of "d's'da's'da's'd dasd" being registered on the same day. Furthermore, all the disputed domain names are registered under the same Top Level domain name ".shop". They all begin with the Complainant's mark 47BRAND, either followed by a generic term, such as "base", "home", or "shop", or by a single letter. Except for

<47brandh.shop>, all the disputed domain names have a "gmail.com" email address registered to the Registrant. Finally, all the disputed domain names resolve to websites offering the alleged Complainant's products for sale, which are promoted through identical or similar pictures and feature the identical 47 figurative mark.

In the Panel's view, all these similarities cannot be the result of a mere coincidence. Instead, they clearly indicate that all the disputed domain names were either registered by the same Respondent or are under the same control. Moreover, in the Panel's view, the consolidation of the disputed domain names in a single procedure would not have a negative impact on the parties' position or their right to equal treatment. At the same time, the consolidation would be procedurally efficient, speeding up the process and avoiding duplication of costs. Accordingly, in this case, the Panel agrees to consolidate all the disputed domain names in a single UDRP dispute.

II. Confusing Similarity

The Complainant contends that the disputed domain names are confusingly similar to the Complainant's marks. The Panel agrees with the Complainant. In particular, the Complainant is the owner of the figurative trademark 47 FORTY SEVEN BRAND. All the disputed domain names contain the element "47 brand", which is a dominant feature of the Complainant's mark. According to section 1.7 of the WIPO Jurisprudential Overview 3.0 (hereinafter, the "WIPO Overview 3.0"), in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. The addition of other elements, such as the terms "base", "top", "home", "club", or of a single letter after the term "brand", cannot prevent a finding of confusing similarity as the dominant feature of the Complainant's mark remains fully recognizable within the disputed domain names (see sections 1.8 and 1.9 of the WIPO Overview 3.0).

Accordingly, the Panel is satisfied that the first element under the Policy is met.

III. Lack of rights or legitimate interests

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.

The Respondent has no business relationship with the Complainant, it is not one of its licensees or authorized agents. The Complainant did not authorize the Respondent to use a significant part of its 47 FOURTY SEVEN BRAND figurative mark in the disputed domain names. Furthermore, the case file contains no evidence that the Respondent is commonly known by the disputed domain names.

The Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services, and is not making a legitimate noncommercial or fair use of the disputed domain names. The composition of the disputed domain names cannot constitute fair use as, by including in the disputed domain names a dominant feature of the Complainant's mark, the disputed domain names effectively impersonate the Complainant or suggest sponsorship or endorsement by the Complainant (section 2.5.1. of the WIPO Overview 3.0). The disputed domain names resolve to websites displaying the Complainant's '47 figurative mark prominently and selling products in competition with the Complainant's products. While the Complainant asserts that these products are counterfeit, this is not evident to the Panel. However, it is clear is that the Respondent is unduly taking unfair advantage of the Complainant's mark to promote goods in competition with the Complainant's goods. Such use of the disputed domain names cannot amount to a legitimate noncommercial or fair use of the disputed domain names.

In light of the foregoing and in the absence of any contrary argument or evidence from the Respondent, the Panel considers that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. Accordingly, the Panel is satisfied that the second condition under the Policy is met.

IV. Bad Faith

According to Paragraph 4(a)(iii) of the Policy, a complainant in a UDRP case must prove bad faith in both the registration and use of a disputed domain name.

With regard to bad faith registration, the Panel notes that the Respondent was clearly aware of the Complainant's marks and business, when registering the disputed domain names. The disputed domain names contain a dominant feature of the Complainant's 47 FOURTY SEVEN BRAND figurative mark, and the '47 figurative mark is displayed prominently on the Respondent's websites. Therefore, the registration of the disputed domain names cannot have occurred by mere coincidence. Rather, the Respondent clearly targeted the Complainant and its marks when registering the disputed domain names. Registering a domain name that conflicts with a third party's trademark without having any rights or legitimate interests amounts to registration in bad faith.

As far as use in bad faith is concerned, the Panel notes that the disputed domain names redirect to websites displaying the Complainant's figurative mark '47 and promoting the sale of goods in competition with the Complainant's goods. Accordingly, by

using the disputed domain names, 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 marks. Further evidence of bad faith lies in the fact that the Respondent has previously been involved as a respondent in other UDRP proceedings where panels have ordered the transfer of the domain names to the complainant. There is also evidence of bad faith in the incorrect contact details provided by the Respondent at the time of registering the disputed domain names, which is in breach of their Registration Agreements.

Accordingly, the Panel finds that the Complainant has satisfied the third and last requirement of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **47brandbase.shop**: Transferred
2. **top47brandhome.shop**: Transferred
3. **47brandclub.shop**: Transferred
4. **47brande.shop**: Transferred
5. **47brandi.shop**: Transferred
6. **47branda.shop**: Transferred
7. **47brandh.shop**: Transferred

PANELLISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2025-12-31

Publish the Decision