Decision for dispute CAC-UDRP-108341

Case number	CAC-UDRP-108341
Time of filing	2026-02-11 09:35:44
Domain names	BELKINSESTATE.COM

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Belkins Inc

Respondent

Organization	Spark Pro IT Pvt Ltd.

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 name.

IDENTIFICATION OF RIGHTS

For purposes of the present UDRP proceeding, the Complainant relies on United States Trademark Registration No. 5881693, BELKINS, registered on October 8, 2019 (the "BELKINS Mark").

FACTUAL BACKGROUND

The Complainant is a United States-based company established in 2017, operating in the B2B lead generation services sector. The Complainant has been granted a licence to use the BELKINS Mark, which is used in connection with its core business of B2B lead generation, the registration details of which are set out above.

The Respondent is based in Pakistan.

The disputed domain name was registered on 21 April 2024. The disputed domain name resolves to a website that purports to offer B2B lead generation services, similar to those offered by the Complainant (the "Respondent's website").

PARTIES CONTENTIONS

Complainant

The Complainant asserts rights in the BELKINS Mark. The Complainant submits that the disputed domain name is confusingly similar to its mark in that it incorporates the BELKINS Mark in its entirety, and the addition of the term "estate" does not prevent a finding of confusing similarity.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. At the time the Respondent registered the disputed domain name, the Complainant had already been operating for over six years and held a registered trademark for nearly five years. The Complainant asserts that the Respondent is a direct competitor offering identical

B2B lead generation services, which does not constitute a bona fide offering of goods or services. The Complainant argues that the Respondent's use of the disputed domain name has the effect of diverting consumers and tarnishes the BELKINS Mark.

The Complainant submits that the Respondent registered and is using the disputed domain name in bad faith. The Respondent is using the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the BELKINS Mark, which existed years before the Respondent acquired the disputed domain name. Actual confusion and tarnishment have occurred, as shown by users mistakenly attributing the Respondent's poor service to the Complainant on Trustpilot, damaging the Complainant's brand reputation.

The Complainant requests transfer of the disputed domain name.

Respondent

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

RIGHTS

The Panel notes that the trademark holder is an individual named Vladyslav Podoliako, while the Complaint was filed by Belkins Inc. The Complainant benefits from a trademark license agreement, granting the Complainant a license to use the BELKINS Mark in connection with its services. The Panel finds that Belkins Inc, as the licensee, has standing to bring the Complaint regarding the disputed domain name, noting that it is authorized to use the BELKINS Mark and is affected by the Respondent's alleged bad faith activity.

The Panel further notes that the BELKINS Mark is registered on the United States Patent and Trademark Office ("USPTO") Supplemental Register. Prior UDRP panels have held that complainants relying on trademark registrations listed solely on the USPTO Supplemental Register are expected to show secondary meaning in order to establish trademark rights under the Policy because under United States law a supplemental registration does not by itself provide evidence of distinctiveness to support trademark rights. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.2.2. Based on the materials filed with the Complaint, the Panel concludes that the Complainant has demonstrated secondary meaning in the BELKINS Mark and has established trademark rights under the Policy.

The disputed domain name incorporates the BELKINS Mark in its entirety, followed by the term "estate" under the generic Top-Level Domain ("gTLD") ".com". The Panel finds that the addition of the term "estate" does not prevent a finding of confusing similarity between the disputed domain name and the BELKINS Mark, which remains clearly recognizable as the leading element of the disputed domain name.

The gTLD ".com" may be disregarded for purposes of comparison under the first element of the Policy as it is viewed as a technical requirement of registration.

The Panel finds the disputed domain name to be confusingly similar to the BELKINS Mark. The Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

NO 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 that 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. See WIPO Overview 3.1, section 2.1.

As noted above, the Respondent's website purports to offer similar B2B lead generation services, similar to those offered by the Complainant. The Panel accepts the Complainant's assertion that the Respondent is trading off the goodwill and reputation associated with the BELKINS Mark for commercial gain. Such use of the disputed domain name does not amount to a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Nor is there any indication of legitimate noncommercial or fair use as contemplated by paragraph 4(c)(iii) of the Policy.

After examining the record, the Panel concludes that the Complainant has made a prima facie showing that the Respondent has no

rights or legitimate interests in the disputed domain name. The Respondent has not rebutted this prima facie case and has failed to provide any credible evidence establishing rights or legitimate interests in the disputed domain name, as outlined in the Policy or otherwise.

In light of the above, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name. The Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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 registration of the Complainant's BELKINS Mark predates the Respondent's registration of the disputed domain name by almost five years. The Complainant notes that since its establishment in 2017, the Complainant has developed into a leading agency in its field, servicing a substantial number of clients across a broad range of professional sectors. Given the specialized nature of the industry, the Panel infers that the Respondent had prior knowledge of the Complainant's rights at the time of registration of the disputed domain name. The Panel finds that the Respondent registered the disputed domain name in an effort to create a misleading impression of association with the Complainant, in bad faith.

As noted above, the Respondent's website provides services that compete with those offered by the Complainant. The Complainant has provided evidence of actual user confusion – Internet users are mistakenly attributing the Respondent's poor service to the Complainant on Trustpilot. The Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the BELKINS Mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the services offered therein, in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(iii) of the Policy.

PROCEDURAL FACTORS

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

PRINCIPAL REASONS FOR THE DECISION

The Complainant has established rights in the BELKINS Mark for purposes of the first element of the UDRP. The disputed domain name is confusingly similar to the BELKINS Mark.

The Respondent has used the disputed domain name in connection with a website that offers competing services to those offered by the Complainant. The Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Respondent registered the disputed domain name in bad faith and has used the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **BELKINSESTATE.COM**: Transferred

PANELLISTS

Name	**Jane Seager**

DATE OF PANEL DECISION 2026-04-02