

## ADMINISTRATIVE PANEL DECISION

Supercell Oy v. 陈兴业 (Chen Xing Ye)  
Case No. D2022-2018

### 1. The Parties

The Complainant is Supercell Oy, Finland, represented by Fondia Oyj, Finland.

The Respondent is 陈兴业 (Chen Xing Ye), China.

### 2. The Domain Name and Registrar

The disputed domain name <brawlerstars.com> is registered with DNSPod, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint in English was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2022. On June 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 8, 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 June 8, 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 in English on June 9, 2022.

On June 8, 2022, the Center sent an email in English and Chinese to the Parties regarding the language of the proceeding. The Complainant confirmed its request that English be the language of the proceeding on June 9, 2022. The Respondent<sup>1</sup> requested that Chinese be the language of the proceeding on June 12, 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”).

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<sup>1</sup> The email communication was sent from the email address provided in the Registrar’s verification response. However, the Panel notes the Respondent identified himself as 陈向阳 (Chen Xiangyang).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent in English and Chinese of the Complaint, and the proceeding commenced on June 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 4, 2022.

On June 14, 2022, the Respondent sent an email communication in English and Chinese to the Center agreeing to the remedy requested by the Complainant and agreeing to transfer the disputed domain name to the Complainant, without condition.

On June 15, 2022, the Center sent an email regarding possible settlement to the Parties. However, the Complainant did not request suspension of the proceeding. Accordingly, the Center notified the commencement of panel appointment process on July 5, 2022.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on July 7, 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. Language of the Proceeding**

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11, in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

Paragraph 11(a) of the Rules allows the Panel to determine the language of the proceeding having regard to all the circumstances. In particular, it is established practice to take paragraphs 10(b) and (c) of the Rules into consideration for the purpose of determining the language of the proceeding, in order to ensure fairness to the parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes. Language requirements should not lead to undue burden being placed on the parties and undue delay to the proceeding.

The Complainant requested that the language of the proceeding be English for several reasons, including the fact the website to which the disputed domain name is resolved (the "Website") is solely in the English language.

The Respondent initially requested that the language of the proceeding be Chinese, submitting that he was unable to clearly interpret the documents provided by the Complainant. Subsequently, the Respondent agreed unilaterally to the transfer of the disputed domain name to the Complainant, without condition, and, accordingly, the Respondent did not file a Response.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

In light of the content of the Website, and the Respondent's consent to transfer of the disputed domain name, the Panel finds there is sufficient evidence to suggest the likely possibility that the Respondent is conversant in the English language.

The Panel is also mindful of the need to ensure the proceeding is conducted in a timely and cost effective manner. In this regard, the Panel has also taken into account the fact the Respondent has agreed to the unconditional transfer of the disputed domain name to the Complainant.

In all the circumstances, the Panel therefore finds it is not foreseeable that the Respondent would be prejudiced, should English be adopted as the language of the proceeding.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **5. Consent to Transfer**

The Respondent confirmed in its Response its consent to the transfer of the disputed domain name to the Complainant. The Panel considers, in the circumstances, it is appropriate to order transfer of the disputed domain name solely on the basis of such consent (see [WIPO Overview 3.0](#), section 4.10).

## **6. 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 <brawlerstars.com> be transferred to the Complainant.

*/Sebastian M. W. Hughes/*

**Sebastian M. W. Hughes**

Sole Panelist

Date: July 21, 2022