

ADMINISTRATIVE PANEL DECISION

快尚时装(广州)有限公司(FAST FASHION (GUANGZHOU) CO.,LTD.) v. Yu Guo

Case No. D2022-3327

1. The Parties

The Complainant is 快尚时装(广州)有限公司 (FAST FASHION (GUANGZHOU) CO.,LTD.), China, represented by 广东华进律师事务所 (Advance Law Firm), China.

The Respondent is Yu Guo, China.

2. The Domain Name and Registrar

The disputed domain name <urban-revivo.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed in Chinese with the WIPO Arbitration and Mediation Center (the “Center”) on September 7, 2022. On September 7, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 8, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on September 12, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

On September 12, 2022, the Center sent an email communicating in both English and Chinese regarding the language of the proceeding. The Complainant filed a translation of the Complaint into English on September 14, 2022. The Respondent did not reply.

The Center verified that 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 September 22, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 17, 2022.

The Center appointed Linda Chang as the sole panelist in this matter on October 25, 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 a fast fashion company in China and has opened more than 300 stores worldwide.

The Complainant owns several URBAN REVIVO trademarks including China trademarks URBAN REVIVO Registration No.10820073 and No.10820128, both registered on July 21, 2013.

The Respondent registered the disputed domain name on June 16, 2022, which resolves to a website of an online shop providing URBAN REVIVO branded products.

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name is confusingly similar to the Complainant's URBAN REVIVO trademark.

The Complainant further alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant finally alleges that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant shall convince the Panel that each of the following elements is satisfied, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has successfully demonstrated its registered trademark rights over URBAN REVIVO.

As the generic Top-Level-Domain ".com" is commonly agreed to be disregarded in the first element test, the recognizable part of the disputed domain name is "urban-revivo", which entirely contains the Complainant's URBAN REVIVO trademark but only differs in the added hyphen "-". The Panel determines that the addition of the hyphen "-" between "urban" and "revivo" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's URBAN REVIVO trademark.

The Panel concludes that the disputed domain name is confusingly similar to the URBAN REVIVO trademark and consequently, the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

The Complainant stated that it has never licensed nor authorized the Respondent to use the URBAN REVIVO trademark. Therefore, the Panel holds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name, the burden of production on this element then shifts to the Respondent to provide relevant evidence. The Respondent however failed to rebut.

In the present case, the disputed domain name has been resolving to a website displaying URBAN REVIVO marks and providing purported URBAN REVIVO products. The Panel finds it highly implausible that the Respondent coincidentally registered the disputed domain name and used an identical URBAN REVIVO trademark on the website. As the Respondent is impersonating the Complainant, the Respondent's use of the disputed domain name does not amount to a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name. The Respondent's name "Yu Guo" does not reassemble the URBAN REVIVO mark in any way and the Respondent is not commonly known by the disputed domain name.

The Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and consequently, the second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Complainant's registration of the URBAN REVIVO trademark significantly predates the registration date of the disputed domain name. The Respondent is not only reproducing on its website marks identical to the Complainant's URBAN REVIVO trademark, but also copying product pictures from the Complainant without authorization and providing purported URBAN REVIVO products. The Panel finds that the Respondent was aware of the Complainant and its URBAN REVIVO trademark at the time of registering the disputed domain name.

The disputed domain name is dominantly displaying URBAN REVIVO marks on the website and purporting to provide various types of URBAN REVIVO products. The Panel determines that by using the disputed domain name, the Respondent is intentionally attempting to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, and is convinced that bad faith can be inferred from the Respondent's registration and use of the disputed domain name.

The Panel concludes that the disputed domain name was registered and is being used in bad faith and consequently, the third element of paragraph 4(a) of the Policy is satisfied.

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 <urban-revivo.com> be transferred to the Complainant.

/Linda Chang/

Linda Chang

Sole Panelist

Date: November 16, 2022