

ADMINISTRATIVE PANEL DECISION

Linhope International Limited, Sirens Design Limited, Linhope International (UK) Limited, and Original Beauty Technology Company Limited v. Jianqing Chen aka Chen Jianqing, Jianqing Limited / Blue Face
Case No. DME2022-0014

1. The Parties

The Complainants are Linhope International Limited, Hong Kong, China (the “First Complainant”); Sirens Design Limited, United Kingdom (the “Second Complainant”); Linhope International (UK) Limited, United Kingdom (the “Third Complainant”); and Original Beauty Technology Company Limited, Hong Kong, China (the “Fourth Complainant”), represented by Mono Law Limited, United Kingdom (referred all together as the “Complainant”).

The Respondent is Jianqing Chen aka Chen Jianqing, Jianqing Limited, China / Blue Face, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <houseofcb.me> is registered with 1API GmbH (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 29, 2022. On June 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 30, 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 Complainants on July 1, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on July 4, 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 July 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 27, 2022.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on August 2, 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 Complainants are in the business of clothing and accessories. The First Complainant is the owner, amongst others, of the following trademark registration:

- United Kingdom trademark registration No. UK00003068906 for the series "HOUSE OF CB", "houseofcb" and "house of cb" registered on January 2, 2015 in classes 3, 9, 14, 18, and 25.

The First Complainant licensed the Fourth Complainant the trademark rights over the HOUSE OF CB marks. The Fourth Complainant transferred its rights to the Second Complainant, having assigned its images, garment designs, and website design.

The Third Complainant is the wholly owned subsidiary of the First Complainant and the registered owner of the European Union trademark registration No. 018232169 for HOUSE OF CB, registered on August 25, 2020, and also granted an exclusive license to the Fourth Complainant.

According to the Complainants, on April 4, 2022 the First and Third Complainants granted non-exclusive licences to the Second and Fourth Complainants to permit both the Second and Fourth Complainants to use the trademarks and the Fourth Complainant transferred its business assets to the Second Complainant including its intellectual property rights in its images, garment designs, and website designs etc. Therefore, the Second Complainant now trades as "HOUSE OF CB" and "HOUSE OF CB LONDON" worldwide through the website at <houseofcb.com> and branded stores and concessions within stores in the United Kingdom, United States, and Australia.

The disputed domain name <houseofcb.me> was registered on November 21, 2020 and presently resolves to an active webpage reproducing the Complainant's official promotional materials as well as operating as an online store depicting purportedly Complainant's products.

5. Parties' Contentions

A. Complainant

The Complainants request that the Panel recognizes that the disputed domain name has been registered in continuation of a series of other infringing domain names¹ by the same entity identified as "Blue Face" which

¹ As recognized by past UDRP panels such as in *Linhope International Limited and Original Beauty Technology Company Limited v. Whoistrustee.com Limited / Blue Face, and Chen Jianqing Chen; Pending Renewal Deletion; Domains By Proxy LLC / Chenjianqing Chen; Mr. Chen; Jianqing Limited; and Heba, Xiamen Heba Brand Management Co., Ltd*, WIPO Case No. [D2022-0811](#); *Linhope International Limited, Original Beauty Technology Company Limited v. Domains by Proxy, LLC, Blue Face, Chen jiangqing, chenjianqing chen and Lyonn Smith*, WIPO Case No. [D2020-1775](#); *Linhope International Limited, Original Beauty Technology Company Limited v. Privacy Protect LLC / heba, Xiamen Heba Brand Management Co., Ltd.; Whoistrustee.com Limited / Blue Face; Domains By Proxy LLC / Chen Jiangqing, JIANQING LTD. / Mr. Chen*, WIPO Case No. [D2020-3481](#); and *Linhope International Limited, Original Beauty*

is neither an actual person or an entity, being the address provided at the WhoIs relating to the disputed domain name (Culver City, California, United States) that of a branch of Starbucks (Annex 48 to the Amended Complaint).

The Complainants further assert that the Fourth Complainant from 2014 to April 3, 2022 has traded as "HOUSE OF CB" and "HOUSE OF CB LONDON" worldwide through the website at <houseofcb.com> and branded stores and concessions within stores in the United Kingdom, United States, and Australia. The Fourth Complainant's business was promoted via social media including on Instagram (@houseofcb) and Twitter (@HouseOfCB), amounting over 3 million followers on Instagram.

According to the Complainants, the Fourth Complainant's garments proved popular with celebrities and photographs of celebrities wearing them were frequently publicised; such celebrities including J.Lo, Beyoncé, Rihanna, Kim, Khloe and Kourtney Kardashian, Kendall and Kylie Jenner, Mariah Carey, Ariana Grande, Nicki Minaj, Little Mix, the supermodel Joan Smalls, and Gigi and Bella Hadid.

As of April 4, 2022, the Complainants argue that the Second Complainant continued to sell the garments and accessories which continue to be popular with celebrities and photographs of celebrities wearing their garments continue to be frequently publicised.

The Complainants submit that the disputed domain name is confusingly similar to the registered trademarks belonging to the First and Third Complainants.

As to the absence of rights or legitimate interests, the Complainants argue that the Respondent has been using the disputed domain name in connection with an online shop reproducing images of garments taken from the Complainants' official website, in what appears to be a continuation of an ongoing infringement and litigation involving the Complainants and the Respondent. The Complainant claims that the disputed domain name and website amounts to a fraudulent scheme to induce members of the public to pay either for (i) counterfeit copies of Siren's garments; or (ii) garments which are never delivered.

The registration and use of the disputed domain name in bad faith, according to the Complainants, arise from the Respondent's use of the disputed domain name who intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainants' trademark and products.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainants:

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

The Complainants must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain name.

The Panel notes that the Complaint has been filed against four named Respondents, with arguments and evidence supporting that there is a connection or association between all of them. The Panel will address the four named Respondents as the Respondent.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

A. Identical or Confusingly Similar

The Complainants have established rights in the HOUSE OF CB trademark.

The Panel finds that the disputed domain name reproduces the Complainant's trademark in its entirety and is identical to it. It is well accepted that the first element functions primarily as a standing requirement and that the threshold test for confusing similarity involves a "reasoned but relatively straightforward comparison between the complainant's trademark and the disputed domain name". (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), sections 1.7 and 1.10).

The first element of the Policy has therefore been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exclusive list of circumstances that may indicate a respondent's rights to or legitimate interests in a domain name. These circumstances are:

- (i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if it has not acquired trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain name. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a *prima facie* case against the Respondent.

In that sense, the lack of evidence as to whether the Respondent is commonly known by the disputed domain name or the absence of any trademarks registered by the Respondent corresponding to the disputed domain name, indicates that the Respondent, named Blue Face does not hold rights or legitimate interests in the disputed domain name. Regarding the rest of the named Respondents, the Panel notes that as mentioned in the Complaint, in *Linhope International Limited, Original Beauty Technology Company Limited v. Privacy Protect LLC / heba, Xiamen Heba Brand Management Co., Ltd.; Whoistrustee.com Limited / Blue Face; Domains By Proxy LLC / Chen Jiangqing, JIANQING LTD. / Mr. Chen*, WIPO Case No. [D2020-3481](#), the Respondents participated and provided evidence that trademarks had been registered in Australia, Canada, France, Japan, and the United States. The Panel notes and agrees with the references in that decision to the [WIPO Overview 3.0](#), section 2.12.2. To the extent that some of those trademarks may still be active, the Panel finds no reason to reach a different conclusion in the present proceeding to the one

reached by the panel in *Linhope International Limited, Original Beauty Technology Company Limited v. Privacy Protect LLC / heba, Xiamen Heba Brand Management Co., Ltd.; Whoistrustee.com Limited / Blue Face; Domains By Proxy LLC / Chen Jiangqing, JIANQING LTD. / Mr. Chen*, WIPO Case No. [D2020-3481](#), and considers that the Respondents lack rights or legitimate interests in the disputed domain name.

The Panel notes the Respondent's use of the disputed domain name in connection with an online store in which the Complainant's trademark is reproduced, displaying images of garments from the Complainant's website "www.houseofcb.com".

The Panel notes the Complainant's claim that the use of HOUSE OF CB in the disputed domain name, the use of HOUSE OF CB LONDON in the banner on the website at the disputed domain name, and the use of the images from the Complainant's website to sell identical goods on a website amounts to a fraudulent scheme to induce members of the public to pay either for (i) counterfeit copies of Complainant's garments; or (ii) garments which are never delivered.

The Panel finds that offering for sale what appear to be counterfeit goods cannot be considered a *bona fide* offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert the Complainant's consumers. The Panel also considers that offering for sale garments that are never delivered would not give rise to rights or legitimate interests.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

The second element of the Policy has therefore been established.

C. Registered and Used in Bad Faith

The Policy indicates in paragraph 4(b) that bad faith registration and use can be found in view of:

- (i) circumstances indicating that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring it to the Complainants who are the owners of a trademark relating to the disputed domain name or to a competitor of the Complainants, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) the Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other location, by creating a likelihood of confusion with the Complainants' mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The registration and use of the disputed domain name in bad faith can be found in the present case in view of the following circumstances:

- (i) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use of the disputed domain name; and

(ii) the Respondent's use of the disputed domain name in connection with an online store in which the Complainants' trademark is reproduced, along with images used by the Complainant, in order to create a likelihood of confusion with the Complainants and their trademarks; and

(iii) additionally, the use of a false address in the Whois data and, consequently, impacting the means to contact the Respondents or to provide them with legal notices.

For the reasons as those stated above, the Panel finds that the disputed domain name was registered and is being used in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The third element of the Policy has therefore been established.

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 <houseofcb.me> be transferred to the Fourth Complainant, Original Beauty Technology Company Limited.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: August 16, 2022