

## **ADMINISTRATIVE PANEL DECISION**

Hetsen & Klaver B.V. v. Feihang45 Fu  
Case No. D2023-0435

### **1. The Parties**

Complainant is Hetsen & Klaver B.V., Netherlands, represented by Rise, Netherlands.

Respondent is Feihang45 Fu, China.

### **2. The Domain Name and Registrar**

The disputed domain name <hkliving-shop.com> (the “Disputed Domain Name”) is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 31, 2023. On January 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On January 31, 2023, the Registrar transmitted by email to the Center its verification response confirming that Respondent is listed as the registrant and providing the contact details.

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 Respondent of the Complaint, and the proceedings commenced on February 7, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 1, 2023.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on March 10, 2023. 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**

Complainant operates in the home furnishing industry since January 6, 2008, manufacturing and marketing furniture, lighting, ceramics, textile, art and interior accessories. Complainant sells its goods worldwide, including through its website at the domain name <hkliving.com>, which was registered on January 6, 2008.

Complainant owns the following trademark registrations for its HKLIVING mark:

- Benelux Trademark Registration No. 1383201 for HKLIVING + logo, filed October 12, 2018, and registered on February 12, 2019;
- Benelux Trademark Registration No. 1431838 for HKLIVING (word), filed December 17, 2020, and registered on April 13, 2023;
- International Trademark Registration No. 1611688 for HKLIVING (word) filed and registered on April 12, 2021.

Complainant also owns several domain names that incorporate its HKLIVING trademark and were registered many years prior to the Disputed Domain Name, including the following:

<hkliving.nl>  
<hkliving.com>  
<hkliving.eu>  
<hkliving.us>  
<hkliving.shop>

Respondent registered the Disputed Domain Name on July 9, 2022. The Disputed Domain Name resolves to a website (“Respondent’s website”) that advertises and sells products that are identical to the goods identified in Complainant’s trademark registrations and sold by Complainant on its website.

Respondent’s website displays Complainant’s mark and its registered logo prominently at the top of each webpage. Respondent’s website also reproduces images, product and brand descriptions copied from Complainant’s website and those of Complainant’s official distributors.

Complainant was contacted by several consumers who ordered a product on Respondent’s website at the Disputed Domain Name. They paid for the product, but never received an order confirmation or delivery.

#### **5. Parties’ Contentions**

##### **A. Complainant**

Complainant contends that the Disputed Domain Name is identical or confusingly similar to Complainant’s HKLIVING mark, that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and that the Disputed Domain Name has been registered and used in bad faith.

##### **B. Respondent**

Respondent did not reply to Complainant’s contentions.

#### **6. Discussion and Findings**

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

- (ii) Respondent has no rights or legitimate interests with respect to the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint “on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

#### **A. Identical or Confusingly Similar**

Complainant has demonstrated that it has rights in the trademark HKLIVING in connection with the manufacture and sale of furniture, lighting, ceramics, textile, art and interior accessories. The Disputed Domain Name incorporates Complainant’s mark in its entirety, with the addition of a hyphen and the word “shop.” The additional term “shop”, preceded by a hyphen, is an English word, which does not prevent the Complainant’s trade mark from being recognizable in the Disputed Domain Name and does not avoid a finding of confusing similarity.

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to Complainant’s trademark.

#### **B. Rights or Legitimate Interests**

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. At no time has Complainant licensed or otherwise endorsed, sponsored or authorized Respondent to use Complainant’s mark or to register the Disputed Domain Name. The record is devoid of any facts that establish any rights or legitimate interests of Respondent in the Disputed Domain Name. There is no evidence that Respondent has been commonly known by the Disputed Domain Name or that it has any rights that might predate Complainant’s adoption and use of its mark. Complainant conducted a search of the publicly available trademark registers and did not find any trademark registrations containing the word “HKliving” in the name of Respondent. When Complainant entered the keyword “HKliving” or “HKliving Shop” into Google’s search engine, no results related to Respondent.

Respondent has not made, and is not making, a legitimate noncommercial or fair use of the Disputed Domain Name. Respondent has not used the Disputed Domain Name in connection with the *bona fide* offering of goods or services. Respondent is using the Disputed Domain Name for a website that is using Complainant’s logo and images without permission to promote and illegitimately sell unauthorized goods without Complainant’s consent.

The record indicates that Respondent was well aware of Complainant’s mark and used the Disputed Domain Name to deceptively attract Internet users seeking Complainant’s website to Respondent’s illegitimate website. The record shows that Respondent is using the Disputed Domain Name to confuse Internet users into believing that Respondent’s website is associated with Complainant, which is false.

#### **C. Registered and Used in Bad Faith**

The record indicates that Respondent deliberately designed its website to confuse users, suggesting that they were buying directly from Complainant. Respondent’s website at the Disputed Domain Name features Complainant’s mark and its registered logo prominently displayed at the top of each webpage. Respondent’s website also reproduces images, product and brand descriptions copied from Complainant’s website and those of Complainant’s official distributors. Thus, the record indicates that Respondent was well aware of Complainant’s trademark, logo and business when it registered the Disputed Domain Name and deliberately designed its website to confuse Internet users into mistakenly believing that they were buying directly from Complainant, which is false. It is also noted that the Registrar confirmed that Respondent is located in China, while the contact address on Respondent’s website at the Disputed Domain Name is in the United States.

Complainant was contacted by several consumers who ordered a product on Respondent's website at the Disputed Domain Name. They paid for the product, but never received an order confirmation or delivery. The record indicates that Respondent is deliberately using Complainant's trademark and logo to attract Internet users to Respondent's website and has fraudulently accepted payment for goods that it failed to deliver. The Panel concludes that these fraudulent activities of Respondent constitute registration and use in bad faith of the Disputed Domain Name.

## **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, <hkliving-shop.com>, be transferred to Complainant.

*/Lynda J. Zadra-Symes/*

**Lynda J. Zadra-Symes**

Sole Panelist

Date: March 24, 2023