

ADMINISTRATIVE PANEL DECISION

Quintessentially (UK) Limited v. Kuichuan Wang Case No. D2024-2276

1. The Parties

The Complainant is Quintessentially (UK) Limited, United Kingdom (“UK”), represented by Brabners LLP, UK.

The Respondent is Kuichuan Wang, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <quintessentiallygroup.org> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2024. On June 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 8, 2024, 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 (An individual or company whose details are withheld for privacy purposes, REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 10, 2024, 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 on June 14, 2024.

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 June 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 9, 2024.

The Center appointed Charles Gielen as the sole panelist in this matter on July 22, 2024. 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 has been involved in the business of providing of luxury lifestyle management and elite concierge services since 2000 and provides services to its clients on a worldwide basis. The Complainant has used the term QUINTESSENTIALLY as part of its company name and trading name and as a trade mark continuously for close to 25 years in the UK and internationally.

The Complainant holds a portfolio of registrations for trade marks, consisting of the word “Quintessentially” (in whole or with a figurative element) in several countries and regions in the world, including United Kingdom registration No. 00002302069 registered on July 9, 2004, in classes 16, 20, 21, 35, 36, 38, 39, 41, 42, 43 and 45, International Registration No. 904477 registered on December 21, 2005, for several designated countries in classes 16, 18, 35, 36, 39, 41, 43 and 45 as well as European Union Trade Mark No. 006691984 registered on May 20, 2009, in classes 25, 35, 42, 43, and 45.

Since many years the Complainant operates under the domain name <quintessentially.com>.

The disputed domain name was registered on December 3, 2023, and resolved to a website showing the trade mark and logo used by the Complainant and using text, graphics, and photographs copied from the Complainant’s website with a login possibility.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant’s trade mark. The term “quintessentially” in the disputed domain name is identical to the Complainant’s trade mark QUINTESSENTIALLY and the word “group” is simply indicative of multiple group companies of the same name. This will result in Internet users being confused about the origin of the website of the Respondent. The confusing similarity will inevitably lead to a misrepresentation resulting in third parties associating the disputed domain name and the infringing website with the Complainant. This is all the more likely given the cloned nature of the website through which the Respondent is passing off its operations as being associated with the Complainant.

Furthermore, the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Complainant gives several reasons for this. First, the Respondent is not known by the disputed domain name and does not offer any genuine goods or services. In this context the Complainant argues that the Respondent has copied text, graphics, and photographs from the Complainant’s website on its own website. The Respondent has also created a login page, through which users provide personal details to access its website, in order to redirect users to the Respondent rather than to the Complainant, which shows that the Respondent is using the disputed domain name and other features associated with the Complainant intentionally as a phishing scam and to trade on the Complainant’s fame and reputation. Such use is not a bona fide offering of goods or services and does not create a legitimate interest in the disputed domain name. Second, the Complainant argues that it has not licensed or otherwise permitted the Respondent to use the trade mark QUINTESSENTIALLY, or to apply for or use any other domain name incorporating this trade mark.

Finally, the Complainant argues that the Respondent registered and is using the disputed domain name in bad faith. The Complainant claims that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website accessed via the disputed domain name by creating a likelihood of confusion with the Complainant’s trade mark as to the source, sponsorship, affiliation, or endorsement of its website. According to the Complainant, the Respondent is using the disputed domain name for unlawful, fraudulent purposes by creating a website that is almost identical to the Complainant’s website. The

Respondent has copied considerable content from the Complainant's website, including the look and feel of it. As has been held by several Panels, such phishing scams are evidence of registration and use of a disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the trade mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The only difference between the trade mark and the disputed domain name (leaving aside the generic Top-Level Domain ".com") is that the term "group" has been added to the term "quintessentially". This difference does not prevent the confusing similarity between the trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.8.

Therefore, the requirement under paragraph 4(a)(i) of the Policy is met.

B. 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 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. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

First, the Respondent did not show that it owns any rights to the name "quintessentiallygroup" nor that it has any license from the Complainant to use its trade mark. Second, the Respondent did not argue that it is commonly known, or that it has ever been known under the name "quintessentiallygroup". Furthermore, the Panel did not find any evidence that the Respondent has used, or prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the disputed domain

name redirected to a website which is a copy of the Complainant's website. The Respondent has also created a login page, through which users provide personal details to access its website, in order to redirect users to the Respondent rather than to the Complainant, which shows that the Respondent is using the disputed domain name and other features associated with the Complainant intentionally as a phishing scam and to trade on the Complainant's fame and reputation. Such use can never be a bona fide offering of goods or services and does not create a legitimate interest in the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in 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.

In the present case, the Panel notes that by registering the disputed domain name the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website accessed via the disputed domain name by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation, or endorsement of its website. The Panel is of the opinion that the Complainant showed the fraudulent intent by the Respondent because the Respondent is using the disputed domain name for unlawful purposes by creating a website that is almost identical to the Complainant's website. The Respondent has copied considerable content from the Complainant's website, including the look and feel of it. The website of the Respondent also offered a log in possibility through which users provide personal details to access its website, in order to redirect users to the Respondent rather than to the Complainant, which shows that the Respondent is using the disputed domain name and other features associated with the Complainant intentionally as a phishing scam. This behavior is evidence of both registration and use of a disputed domain name in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

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 <quintessentiallygroup.org> be transferred to the Complainant.

/Charles Gielen/

Charles Gielen

Sole Panelist

Date: August 5, 2024