

## **ADMINISTRATIVE PANEL DECISION**

Ant Group Co., Ltd. and Advanced New Technologies Co., Ltd. v. Hyo Ryung, business

Case No. D2024-4937

### **1. The Parties**

Complainants are Ant Group Co., Ltd., China, and Advanced New Technologies Co., Ltd., Cayman Islands, represented by ELLALAN, Hong Kong, China.

Respondent is Hyo Ryung, business, Philippines.

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

The disputed domain name <ant-intl.com> (the “Domain Name”) is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 20, 2024. On November 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 1, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (The Owner of the Disputed Domain Name) and contact information in the Complaint. The Center sent an email to Complainants on December 2, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on December 6, 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 Respondent of the Complaint, and the proceedings commenced on December 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 29, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 3, 2024.

The Center appointed Robert A. Badgley as the sole panelist in this matter on January 10, 2025. 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 two named Complainants are related, and for purposes of this proceeding there is no need to distinguish between them. As such, the Panel will refer to them together as “Complainant.”

Complainant provides services in the finance, information, and technology sectors, including, according to the Complaint, services in “investment, wealth management, financing, micro financing, virtual banking, insurance, data systems, information technology, blockchain, artificial intelligence, security, internet of things and computing.”

Complainant launched its “Alipay” mobile payment platform in 2004. In the 12-month period ending June 30, 2020, the total payments transferred under the Alipay platform reached CNY 118 trillion.

Complainant owns the domain name <antgroup.com> and uses that domain name to host a commercial website offering and promoting its services.

Complainant owns several registered trademarks in various jurisdictions, including: the word mark ANT, registered in Australia on March 16, 2004 (Reg. No. 993623); the word mark ANT, registered in China on January 7, 2016 (Reg. No. 15369756); and the word mark ANT FINANCIAL, registered in the Philippines on March 3, 2016 (Reg. No. 14950).

Annexed to the Complaint are various articles referring to Complainant and the services it provides under its ANT and ANT-formative trademarks. For instance, a June 27, 2024 Business Wire article described “Ant International” as “a digital payment and financial services leader.” Similarly, a November 8, 2024 Crowdfund Insider article referred to “Ant International” as “a digital payment and financial technology provider headquartered in Singapore”.

The Domain Name was registered on January 22, 2019. The Domain Name currently does not resolve to an active website. Annexed to the Complaint, however, are screenshots from the Wayback Machine (“www.archive.org”) at various dates, including July 7, 2020, December 10, 2021, and January 27, 2022, which shows that the Domain Name used to resolve to a website entitled, “Macau Casino / The Venetian Macao Homepage”, but copying content from the governmental site for Shangluo City, Shannxi Province, China.

Respondent has not denied any of the foregoing allegations or disputed any of the evidence submitted by Complainant.

#### **5. Parties’ Contentions**

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

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

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

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

### 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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7

The Panel concludes that Complainant has rights in the trademark ANT through registration and use demonstrated in the record. The Panel also concludes that the Domain Name is confusingly similar to that mark. The Domain Name entirely incorporates the mark and adds a hyphen with the abbreviation "intl" (for "international"). The Panel concludes that the mark remains clearly recognizable within the Domain Name despite these additional characters.

Complainant has established Policy, paragraph 4(a)(i).

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your 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) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are 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.

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 often primarily within the knowledge or control of the respondent. Thus, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production 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.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward in this proceeding to refute any of the plausible allegations made by Complainant, or challenge any of the evidence put forth by Complainant.

It is undisputed that Complainant is not related to Respondent, and has not authorized Respondent to use the mark ANT in a domain name or otherwise. According to Complainant, all government websites in China must use "gov.cn" as a suffix, which suggests that Respondent's which copies content from a governmental

site website is illegitimate; Respondent's attempt to associate a local government with a casino, without any explanation from Respondent, also underscores the illegitimacy of Respondent's website.

Complainant has established Policy, paragraph 4(a)(ii).

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

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on this undisputed record and on a balance of probabilities, that Respondent more likely than not registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section.

On this record, given the renown Complainant's ANT marks have attained, the Panel finds it more likely than not that Respondent had Complainant's ANT mark in mind when registering the Domain Name. The Panel also finds that Respondent's website, which for a time appeared to promote casino services and copied content from a governmental site, supports a finding of bad faith registration and use of the Domain Name within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy, paragraph 4(a)(iii).

## **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 Domain Name <ant-intl.com> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: January 21, 2025