

ADMINISTRATIVE PANEL DECISION

Shenzhen Baseus Technology Co. Ltd. v. Niculescu Sorin
Case No. DRO2025-0003

1. The Parties

The Complainant is Shenzhen Baseus Technology Co. Ltd., China, represented by Chofn Intellectual Property (Chofn IP), China.

The Respondent is Niculescu Sorin, Romania.

2. The Domain Name and Registrar

The disputed domain name <baseus.ro> is registered with ROTLD (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 2025, 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 (Persoană Fizică) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 9, 2025, 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 April 10, 2025.

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 April 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2025. The Response was filed with the Center on April 10, 2025. The Center notified the Parties on May 6, 2025, about the Commencement of Panel Appointment Process.

The Center appointed Mihaela Maravela as the sole panelist in this matter on May 8, 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

According to information in the Complaint, the Complainant Shenzhen Baseus Technology Co. Ltd. is a registered entity in Shenzhen China, producing and selling goods under the trademark BASEUS, mainly wireless chargers for mobile phones, power banks, tablets, computers, automotive cables, and other related electronic devices. Its affiliate company, Shenzhen Times Innovation Technology who was founded in 2011 was the brand owner for BASEUS, and later established Shenzhen Baseus Technology Co. Ltd., in 2019. Also, according to information in the Complaint, the Complainant has received various awards, such as the “Top 20 China Overseas Brands”, “Top 10 China Overseas Brands” or “the Red Dot Award” and it was the second-ranked global mobile charging brand in 2020, 2021, and 2022, as per Euromonitor data.

The Complainant is the holder of numerous trademarks for BASEUS, including the International trademark no. 1109755 registered on November 8, 2011, for the class of goods 9, designating inter alia the European Union under the Madrid Protocol. The trademark had been transferred to the Complainant from its affiliated company Shenzhen Times Innovation Technology Co., Ltd. who held it initially, the transfer taking effect as of September 19, 2022. The Complainant submits it is the registrant of the domain name <baseus.com>, which it registered on March 6, 2011, and which it uses in connection with its primary website.

The disputed domain name was registered on September 28, 2012, and it was used to resolve to an online shop claiming to be the official importer of the Complainant’s products in Romania and offering for sale goods related to the Complainant together with competing goods. On or about May 2024, the disputed domain name was offered for sale, and currently it redirects to another shop for competing goods to those of the Complainant, located at <thenx.net>.

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 completely contains the Complainant’s BASEUS trademark, therefore it is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

As regards the second element, the Complainant submits that it searched various national and regional trademark databases in the name of the Respondent and did not find that the Respondent had trademark rights in the name of BASEUS. Also, the Respondent is not one of the Complainant’s distributors or partners. The Complainant has never directly or indirectly authorized the Respondent to use the trademarks BASEUS and the corresponding domain names in any form.

With respect to the third element, the Complainant contends that before the registration of the disputed domain name, the Complainant had obtained prior trademark rights in multiple countries, including the European Union. As regards the use, the disputed domain name was used to resolve to a website related to the Complainant’s business, and currently it is used to redirect to another mobile phone accessories e-commerce website. Accordingly, the Complainant submits that the Respondent’s use of the disputed domain name to deliberately imitate the Complainant’s BASEUS brand for profit falls under paragraph 4(b)(iv) of the Policy, namely “by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location”.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent claims he is the director of SC Square Network SRL and that he registered the disputed domain name on September 28, 2012, and has been made it available to SC Square Network SRL free of charge for supporting its commercial activities, namely promoting and facilitating the sale of BASEUS products in Romania.

The Respondent further submits that at the time of registration, the disputed domain name was available on the market, and his company acted as the exclusive distributor of BASEUS products in Romania. The Respondent submits that the Complainant did not express any interest in acquiring or administering the disputed domain name at the registration date.

Furthermore, the Respondent argues that the long-standing use of the disputed domain name, over 12 years, without any intervention or objection from the Complainant, demonstrates that his use was considered legitimate and acceptable in the marketplace. In addition, the Respondent argues that for many years his company acted as the sole distributor of BASEUS products in Romania and that the Complainant's complete inaction over this extended period suggests tacit acceptance of the Respondent's use of the disputed domain name, undermining any current allegation of abusive conduct. The current redirection of the disputed domain name to the website at the domain name <thenx.net> represents merely an evolution of the Respondent's commercial strategy, not an abusive exploitation of the trademark.

6. Discussion and Findings

6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Romanian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including (i) the language/script of the disputed domain name, particularly as it is the same as that of the complainant's mark; (ii) the page to which the disputed domain name previously resolved was displayed in English; (iii) if the Complainant is ordered to translate it into another language, there may be unfair or unnecessary delays.

The Respondent did not comment on the Complainant's request for the language of the proceeding be English and sent a Response in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Substantive matters

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

To succeed, the Complainant must demonstrate that all of the elements listed 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 the Complainant has rights; (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.

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 trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the trademark BASEUS for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

It is the settled view of panels applying the Policy that the Top-Level Domain ("TLD") (here ".ro") should be disregarded under the first element test.

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

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.

The disputed domain name directed Internet users to an active website prominently using the Complainant's trademark and logo, and purportedly offering goods of the Complainant together with competing goods, without any disclaimer regarding the lack of its relationship with the Complainant. On the contrary, it claimed on the bottom of the website at the disputed domain name to be an official importer of the Complainant's goods in Romania and included a copyright notice for images: "© Times Innovation Technology Co., Ltd." Moreover, on a subsequent date, the disputed domain name was offered for sale, and it currently redirects to a website at <thenx.net> offering competing goods to those of the Complainant. The Complainant contends that it has never licensed or otherwise permitted the Respondent to use the trademark, in a domain name or otherwise, and the Respondent failed to bring evidence to the contrary. In the Panel's view, the Respondent's use of the disputed domain name in the above circumstances is not in connection with a bona fide offering of goods or services as contemplated by the first circumstance of paragraph 4(c) of the Policy and fails the applicable safeguards found in "Oki Data"¹. [WIPO Overview 3.0](#), section 2.8.

¹ *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)

Given also the nature of the disputed domain name, that includes the Complainant's BASEUS trademark in its entirety, and therefore carries a high risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant, neither of the uses above confer in the Panel's view rights or legitimate interests to the Respondent. [WIPO Overview 3.0](#), section 2.5.1.

The Respondent is an individual named "Niculescu Sorin" and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent does not deny his knowledge of the Complainant and its trademark at the date of registering the disputed domain name. The Respondent however claims to have been an exclusive distributor of the Complainant in Romania, but has brought no evidence in that respect, while the Complainant expressly denies any partnership with the Respondent. Moreover, the statements of the Respondent in the Response are inconsistent with the allegations of the Complainant regarding a lack of any agreement between the parties at the registration date: the Respondent's statements rather suggest that the Respondent relied on non action on the Complainant's part as a basis for his registration and use of the disputed domain name. For example, the Respondent claims that: "[o]ur registration and sustained use of baseus.ro were driven by a legitimate business purpose at a time when the trademark was not actively controlled in Romania by the Complainant", or that "[t]he Complainant's complete inaction over this extended period suggests tacit acceptance of our use of the domain, undermining any current allegation of abusive conduct.", "[a]t the time of registration, baseus.ro was available on the market, and [...] Complainant did not express any interest in acquiring or administering this domain at that time."

The website at the disputed domain name displayed the Complainant's trademark and logo and offered competing goods to those of the Complainant along with the Complainant's goods, with no disclaimer regarding the lack of a relationship between the Respondent and the Complainant. The Internet users would likely have been confused as to the source of the products or services offered on such website. Therefore, the Panel considers that paragraph 4(b)(iv) of the Policy has direct bearing to the present case: "(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to his website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the said website location or of a product or service on that website location." The subsequent uses of the disputed domain name by the Respondent, to offer it for sale, and currently to redirect to a website at <thenx.net> offering competing goods to those of the Complainant, further reinforces bad faith registration and use of the disputed domain name.

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 <baseus.ro> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: May 22, 2025