

ADMINISTRATIVE PANEL DECISION

Heart Aerospace AB v. Zongxing Lin, and 林宗兴 (lin zong xing), 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED)

Case No. D2022-3615

1. The Parties

The Complainant is Heart Aerospace AB, Sweden, represented by Zacco Sweden AB, Sweden.

The Respondents are Zongxing Lin, and 林宗兴 (lin zong xing), 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED), Hong Kong, China.

2. The Domain Names and Registrars

The disputed domain names <heartaerospace-china.com> and <heartaerospacechina.com> are registered with NameCheap, Inc. (“NameCheap”).

The disputed domain name <heart-aerospace.com> was originally registered with Sav.com, LLC (“Sav.com”), which was transferred by Sav.com on September 28, 2022 and arrived at and registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (“Alibaba”) on October 4, 2022.

The disputed domain names, each refers to the “Disputed Domain Name” and collectively refer to the “Disputed Domain Names”.

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 29, 2022. On September 29, 2022, the Center transmitted by email to NameCheap a request for registrar verification in connection with the Disputed Domain Names <heartaerospace-china.com> and <heartaerospacechina.com>. On September 29, 2022, NameCheap transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names <heartaerospace-china.com> and <heartaerospacechina.com> which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf, Iceland) and contact information in the Complaint.

On September 29, 2022, the Center transmitted by email to the Sav.com a request for registrar verification in connection with the Disputed Domain Name <heart-aerospace.com>. On September 30, 2022, Sav.com informed the Center that the Disputed Domain Name <heart-aerospace.com> was then in the transfer process to another registrar. On October 19, 2022, the Center asked Sav.com to confirm when the transfer

request for the Disputed Domain Name <heart-aerospace.com> was made, when the transfer process began, and when Sav.com expected the transfer process to complete. The Center also asked Sav.com to confirm which registrar was the Disputed Domain Name <heart-aerospace.com> being transferred. On October 20, 2022, Sav.com replied that the Disputed Domain Name <heart-aerospace.com> was transferred on September 28, 2022 and arrived at Alibaba on October 4, 2022.

On October 20, 2022, the Center transmitted by email to Alibaba a request for registrar verification in connection with the Disputed Domain Name <heart-aerospace.com>. On October 21, 2022, Alibaba transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Name <heart-aerospace.com> which differed from the named Respondent (Privacy Protection, United States of America) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 28, 2022, providing the registrant and contact information disclosed by NameCheap and Alibaba, and inviting the Complainant to: (i) submit an amended Complaint and provide relevant arguments or evidence demonstrating that all the Respondents are, in fact, the same entity and/or that all the Disputed Domain Names are under common control; and/or (ii) file a separate Complaint for any Disputed Domain Name(s) for which it is not possible to demonstrate that all the Respondents are in fact the same entity and/or that all Disputed Domain Names are under common control and indicate (by short amendment or reply email) which Disputed Domain Name(s) will no longer be included in the current Complaint. The Complainant filed an amendment to the Complaint in English on November 2, 2022, including the arguments/evidence demonstrating that the Respondents are the same person or at least all the Disputed Domain Names are under common control.

On October 28, 2022, the Center transmitted an email communication to the Parties in English and Chinese regarding the language of the proceeding. On October 28, 2022, the Respondents submitted a request that Chinese be the language of the proceeding. On October 31, 2022, the Complainant submitted a request that English be the language of the proceeding.

The Center verified that the Complaint together with the amendment to 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 the Respondents in English and Chinese of the Complaint, and the proceedings commenced on November 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2022. The Response was filed in Chinese with the Center on November 4, and November 8, 2022.

The Center received the Complainant's supplemental filing in English on November 7, 2022. The Center also received the Respondents' reply to the Complainant's supplement filing in Chinese on the same day.

The Center appointed Peter J. Dernbach as the sole panelist in this matter on November 11, 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. Unsolicited Supplemental Filing

Before entering into the merits of the case, the Panel addresses the matter of the unsolicited supplemental filing submitted by the Complainant and the Respondents' reply to the Complainant's unsolicited supplemental filing. No explicit provision concerning supplemental filings is made in the Rules or Supplemental Rules, except for paragraphs 10 and 12 of the Rules, from which it follows that the Panel, in its sole discretion, may determine the admissibility, relevance, materiality, and weight of the evidence, insofar as both parties are treated with equality and are given a fair opportunity to present their case, and the Panel

may request, in its sole discretion, further statements or documents from either of the parties.

Unsolicited supplemental filings are generally discouraged, as is described in section 4.6 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). However, when the party submitting an unsolicited supplemental filing proves that the supplemental filing is relevant to the case and it could not have provided the information contained therein in its prior complaint or response (e.g., owing to some "exceptional" circumstances), the Panel may find it justified to accept an unsolicited supplemental filing. The Panel may then issue further instructions to the parties, including an opportunity to the non-initiating party to respond to the unsolicited supplemental filing.

The Panel is not satisfied that such exceptional circumstances exist here and, therefore, decides that the unsolicited supplemental filing by the Complainant and the Respondents' reply will not be admitted.

In any event, even if the Panel had considered the Complainant's supplemental filing and the Respondents' reply, it would not have changed the outcome of this case.

5. Factual Background

The Complainant, Heart Aerospace AB, is a pioneering Swedish developer and manufacturer of fully electric aircraft.

The Complainant owns the following trademarks (each, the "Complainant's Trademark" and collectively the "Complainant's Trademarks"):

- 1) European Union trademark HEART AEROSPACE, trademark number 018130880, registered since February 5, 2020; and
- 2) International trademark HEART AEROSPACE, registration number 1522668, registered since October 1, 2019. The designation under the Madrid Protocol includes China.

The Complainant has owned the domain name <heartaerospace.com> since 2018.

The Respondent, 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED), was incorporated on August 29, 2022 in Hong Kong, China. Little information is known about this company according to the case file. All the Disputed Domain Names <heartaerospace-china.com>, <heartaerospacechina.com>, and <heart-aerospace.com> were registered on April 20, 2022, and do not resolve to any active websites. Prior to the Complainant's cease-and-desist letter sent on August 25, 2022, the Disputed Domain Name <heart-aerospace.com> redirected to fraudulent malware websites.

6. Parties' Contentions

A. Complainant

The Complainant requests the Panel appointed in this administrative proceeding that the Disputed Domain Names be transferred to the Complainant.

- (i) The Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Disputed Domain Names all incorporate the term "heartaerospace", which is identical to the Complainant's Trademarks. The addition of the generic Top-Level Domain ("gTLD") ".com" does not have any impact on the overall impression of the dominant portion of the Disputed Domain Names and is therefore irrelevant when determining the confusing similarity between the Complainant's Trademark and the Disputed Domain Names.

Regarding the Disputed Domain Name <heart-aerospace.com>, the addition of the hyphen between “heart” and “aerospace” in the Disputed Domain Name <heart-aerospace.com> does not prevent a finding of confusing similarity.

Regarding the Disputed Domain Names <heartaerospacechina.com> and <heartaerospace-china.com>, the addition of the descriptive and geographical term, “china”, would not prevent a finding of confusing similarity under the first element.

The Disputed Domain Names are therefore identical or confusingly similar to the Complainant’s Trademark.

(ii) The Respondents have no rights or legitimate interests in respect of the Disputed Domain Names.

No license or authorization of any other kind has been given by the Complainant to the Respondents to use the trademark HEART AEROSPACE, and the Complainant has found no information indicating that the Respondents are trading under a name corresponding to the Disputed Domain Names.

The Respondents are not an authorized representative of the Complainant’s products or services and has never had a business relationship with the Complainant.

The Respondents are not using the Disputed Domain Names in connection with a *bona fide* offering of goods or services.

It is unlikely that the Respondents were unaware of the Complainant and its business at the time of registration. To the contrary, it is likely that it was the fame and value of the Complainant’s company and Trademark that motivated the Respondents to register the Disputed Domain Names.

Prior to the Complainant’s cease-and-desist letter of August 25, 2022 to the Respondents, the Disputed Domain Name <heart-aerospace.com> redirected to various third-party sites, including sites which appeared to be used to infect computers with malware. Such use as described above must be considered as fraudulent and illegitimate and can never amount to legitimate use.

The Disputed Domain Names <heartaerospacechina.com> and <heartaerospace-china.com> were used as parking websites and were not used to promote or sell any company products or services.

Accordingly, for the foregoing reasons, the Complainant argues that the Respondents have no rights or legitimate interests in the Disputed Domain Names.

(iii) The Disputed Domain Names were registered and are being used in bad faith.

The Respondents registered the Disputed Domain Names on April 20, 2022. This date was subsequent to the Complainant’s registration of its HEART AEROSPACE trademarks.

The fact that the Disputed Domain Name <heart-aerospace.com>, prior to the Complainant issued its cease-and-desist letter, redirected to fraudulent malware websites, shows that the Respondents cannot possibly have conducted the registration of the Disputed Domain Names in good faith.

Furthermore, the mere registration of a domain name or domain names that are identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

The Complainant issued a cease-and-desist letter to the Respondents on August 25, 2022, requesting that the Disputed Domain Names be transferred to the Complainant. Afterwards, the Respondents changed the registrar of one of the Disputed Domain Names (as set forth in the section headed “Procedural History”).

B. Respondents

The Respondent 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED) submitted the Response on behalf of the Respondents, and claimed they are the owner of the Disputed Domain Names.

The Respondent, 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED), was incorporated on August 29, 2022 in Hong Kong, China.

The Respondents claimed that they purchased the Disputed Domain Names as the official websites of 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED), and in addition to the Disputed Domain Names, they also purchased <heart-aerospace.com.cn> and <heart-aerospace.cn>.

The Respondents claimed that they did not know about the Complainant until commencement of the current proceeding. The Respondents further claimed that their contact emails used for the registration of the Disputed Domain Names did not receive any emails from the Complainant. The cease-and-desist letter provided by the Complainant has nothing to do with the Respondents. The Respondents updated the registrant information after the incorporation of 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED). Before that, the registrant information was related to the previous registrant.

The Respondents also reiterated that they purchased the Disputed Domain Names for the preparation of their official websites for their business.

7. Discussion and Findings

7.1 Language of the Proceeding

Paragraph 11(a) of the Rules provides that “[u]nless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.”

Paragraph 10(b) of the Rules provides that “[i]n all cases, the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case”; and paragraph 10(c) of the Rules provides that “[t]he Panel shall ensure that the administrative proceeding takes place with due expedition [...]”

The language of the Registration Agreements with NameCheap was in English, whereas that with Alibaba was in Chinese. As set forth in the section headed “Consolidation of Respondents”, the Panel will proceed to a single decision on the merits that all of the Disputed Domain Names are subject to the common control, and the decision will be issued in only one language. The Complainant requested that the language of the proceeding be English, whereas the Respondents requested that the language of the proceeding be Chinese.

In this particular case, the Panel notes that the language of the Registration Agreements for two out of three Disputed Domain Names is in English. Further, it appears from the Response that the Respondents understand the Complaint, which was submitted in English.

It would be cumbersome and costly if the Complainant is required to translate the Complaint into Chinese. Requiring the Complainant to translate the Complaint into Chinese would also cause unnecessary delay to the administrative proceeding.

In order to ensure fairness to the Parties and the maintenance of an expeditious avenue for resolving domain name disputes, the Panel determines under paragraph 11(a) of the Rules that English shall be the language of the proceeding and the decision will be rendered in English. However, the Panel will accept the

Respondents' submission in Chinese and will not request the Respondents to translate their submission into English.

7.2 Consolidation of Respondents

Pursuant to the Rules, paragraph 3(c) “[t]he complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.”

Paragraph 10(e) of the Rules states that a “[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules”. Paragraph 10(c) of the Rules provides, in relevant part, that “the [p]anel shall ensure that the administrative proceeding takes place with due expedition.”

Consolidation of multiple registrants as respondents in a single administrative proceeding is appropriate under the Policy and Rules where the domain names or the websites to which they resolve are subject to common control, and consolidation would be procedurally efficient and fair and equitable to all parties. (*Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#); [WIPO Overview 3.0](#), section 4.11.2).

The facts strongly suggest that the Disputed Domain Names have been subject to common control. The Disputed Domain Names were registered on the same date (April 20, 2022) within a time period of less than five minutes. The Disputed Domain Names incorporate the same registered trademark, namely HEART AEROSPACE. The Respondents when registering the Disputed Domain Names submitted identical postal address as the registration information. Furthermore, the Responses were filed by the Respondent 愛心航空 航天中國有限公司 (HEART AEROSPACE CHINA LIMITED) claiming that they are the owner of all the Disputed Domain Names.

The Panel finds that common questions of law and fact are predominant and concludes that consolidation would be procedurally efficient, fair, and equitable to all Parties.

Accordingly, the Panel will proceed to a single consolidated decision on the merits of all the Disputed Domain Names.

7.3 Substantive Issues

The Complainant must prove, by evidence, each of the following UDRP elements:

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy provides that “[a domain-name holder] is required to submit to a mandatory administrative proceeding in the event that [a complainant] asserts to the applicable [administrative-dispute-resolution service provider], in compliance with the Rules of Procedure, that (i) [the Disputed Domain Name] is identical or confusingly similar to a trademark or service mark in which the complainant has rights[.]”

The Complainant has established that it is the owner of the HEART AEROSPACE trademarks. The Disputed Domain Names all incorporate the term “heartaerospace”, which is identical to the Complainant’s Trademarks.

The gTLD “.com” is viewed as a standard registration requirement and is therefore irrelevant when determining the confusing similarity between the Complainant’s Trademarks and the Disputed Domain Names.

The addition of the hyphen between “heart” and “aerospace” in the Disputed Domain Name <heart-aerospace.com> does not prevent a finding of confusing similarity with the Complainant’s Trademarks. The addition of the hyphen and the term “china” in the Disputed Domain Name <heartaerospace-china.com> and the addition of the term “china” in the Disputed Domain Name <heartaerospacechina.com> also does not prevent a finding of confusing similarity under the first element.

For the above reasons, the Panel finds that the Disputed Domain Names are confusingly similar to the HEART AEROSPACE trademarks, and the condition of paragraph 4(a)(i) of the Policy has been fulfilled.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that “[a domain-name holder] is required to submit to a mandatory administrative proceeding in the event that [a complainant] asserts to the applicable [administrative-dispute-resolution service provider], in compliance with the Rules of Procedure, that [...] (ii) [the respondent has] no rights or legitimate interests in respect of the [disputed] domain name[.]”

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondents have rights to, or legitimate interests in, the Disputed Domain Names, for the purposes of paragraph 4(a)(ii) of the Policy:

“(i) before any notice to [the Respondents] of the dispute, [the Respondents’] use of, or demonstrable preparations to use, the [Disputed Domain Names] or a name corresponding to the [Disputed Domain Names] in connection with a bona fide offering of goods or services; or

(ii) [the Respondents] (as an individual, business, or other organization) [have] been commonly known by the [Disputed Domain Names], even if [the Respondents have] acquired no trademark or service mark rights; or

(iii) [the Respondents are] making a legitimate noncommercial or fair use of the [Disputed Domain Names], without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

Pursuant to paragraphs 4(a)(ii) and 4(c) of the Policy, the Complainant is required to first establish a *prima facie* case that the Respondents lack rights or legitimate interests in the Disputed Domain Names. The burden of production would then shift to the Respondents to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the Disputed Domain Names.

The Complainant has established that it is the owner of the HEART AEROSPACE trademarks. The Complainant has not licensed or otherwise permitted the Respondents to use any of the HEART AEROSPACE trademarks, nor has it permitted the Respondents to apply for or use any domain name incorporating the HEART AEROSPACE trademarks.

It is unlikely that the Respondents were unaware of the Complainant and its business at the time of registration. To the contrary, it is likely that it was the fame and value of the Complainant’s company and trademark that motivated the Respondents to register the Disputed Domain Names.

Prior to the Complainant issued a cease-and-desist letter on August 25, 2022 to the registrants of the Disputed Domain Names, the Disputed Domain Name <heart-aerospace.com> redirected to various third-party sites, including sites which appeared to be used to infect computers with malware. Such use as described above must be considered as fraudulent and illegitimate and is not a legitimate use.

The Disputed Domain Names <heartaerospace-china.com> and <heartaerospacechina.com> were used as parking websites and were not used to promote or sell any company products or services.

The Panel finds that the Complainant has established a *prima facie* case that the Respondents lack rights or legitimate interests in the Disputed Domain Names.

The burden of production would then shift to the Respondents to come forward with relevant allegations or evidence demonstrating rights or legitimate interests in the Disputed Domain Names. The Respondents' major responses included:

- 1) the Respondents purchased the Disputed Domain Names as the preparation of the official websites of 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED); and
- 2) the Respondents did not know about the Complainant until commencement of the current proceeding. The Respondents further claimed that their contact emails used for the registration of the Disputed Domain Names did not receive any emails from the Complainant. The cease-and-desist letter provided by the Complainant has nothing to do with the Respondents. The Respondents updated the registrant information after the incorporation of 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED). Before that, the registrant information was related to the previous registrant.

The Panel notes that a reply to the Complainant's cease-and-desist letter of August 25, 2022 was apparently received from a third party on August 31, 2022 claiming that they did not own the Disputed Domain Names. On September 6, 2022, this third party indicated that the Disputed Domain Names were already sold to a company named "HEART AEROSPACE". The Complainant requested this third party to show evidence that the Disputed Domain Names were sold and noted that "the Whois changes made by you on August 26, 2022 – the day after which you received our letter – for the domain heart-aerospace.com." and that "you have removed the previous redirect(s) and parked the domain [<heart-aerospace.com>]". On September 6, 2022, this third party reiterated that the Disputed Domain Names were sold long ago to a company named "HEART AEROSPACE", that they had nothing to do with the Disputed Domain Names, and that the buyer most likely did not update the registration information, and that would be the reason the Complainant found their information listed in the Whois database.

Therefore, it seems that the Respondents acquired the Disputed Domain Names after April 20, 2022 and most likely before August 25, 2022, and updated the registrant information, as claimed by the Respondent, after the incorporation of 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED) in August 29, 2022.

Apart from the Respondents' evidence showing their company 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED) was registered on August 29, 2022 in Hong Kong, China, and their assertions that the Disputed Domain Names were purchased for the preparation of the official company websites, the Respondent did not provide any explanation or evidence regarding the business of their company or provide any demonstrable preparations to use, the Disputed Domain Names or a name corresponding to the Disputed Domain Names in connection with a *bona fide* offering of goods or services. The Disputed Domain Names do not resolve to any active website, and the Disputed Domain Name <heart-aerospace.com>, prior to the Complainant's cease-and-desist letter of August 25, 2022, redirected to fraudulent malware websites. Therefore, the Panel finds that the use of the Disputed Domain Names does not satisfy paragraphs 4(c)(i) and 4(c)(ii) of the Policy.

Further, the Panel also finds that based on the current record, the fact that the Respondents' company name in English is "HEART AEROSPACE CHINA LIMITED" does not automatically grant the Respondents any rights or legitimate interests in the Disputed Domain Names under the Policy. It is likely that the registration of the company 愛心航空航天中國有限公司 (HEART AEROSPACE CHINA LIMITED) was made in an attempt to create what appeared to be a right or legitimate interest in the Disputed Domain Names under the Policy. In addition, there is no evidence showing that the Respondents are commonly known by the Disputed Domain Names.

Moreover, the Panel notes that while “heart” and “aerospace” are two dictionary terms when considered separately, its combination does not seem to be a natural one in the English language, and the Panel finds that the nature of the Disputed Domain Names are inherently misleading as it carries an implied risk of affiliation or suggests sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1.

Having considered the above, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that “[a domain-name holder] is required to submit to a mandatory administrative proceeding in the event that [a complainant] asserts to the applicable Provider, in compliance with the Rules of Procedure, that [...] (iii) [the respondent’s] domain name has been registered and is being used in bad faith.”

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Registered in bad faith

The Respondents appear to have purchased the Disputed Domain Names after April 20, 2022. This date was subsequent to the Complainant’s use and registration of the HEART AEROSPACE trademarks. The Complainant’s Trademarks are distinctive, and the Disputed Domain Name <heart-aerospace.com> is almost identical to the Complainant’s domain name <heartaerospace.com>. Therefore, the Panel finds on balance that the Respondents most likely knew the HEART AEROSPACE trademarks when registering the Disputed Domain Names.

Having considered the above, the Panel finds that the Disputed Domain Names have been registered in bad faith.

Used in bad faith

The Disputed Domain Names are being used as parking websites and do not resolve to any active websites. The Respondents have provided no evidence in relation to the preparations for using the Disputed Domain Names to provide any *bona fide* goods or services. Many UDRP panel decisions have held that passive holding of a domain name does not prevent a conclusion of bad faith. The Panel finds so under the circumstances of this case, particularly considering the fame and distinctiveness of the Complainant’s Trademarks. Further, the Disputed Domain Name <heart-aerospace.com>, prior to the Complainant’s cease-and-desist letter of August 25, 2022, redirected to fraudulent malware websites, which reinforces the bad faith of the Respondents. Moreover, the Panel finds that the mere registration of the Disputed Domain Names that are identical or confusingly similar to the Complainant’s widely-known Trademark by the unaffiliated Respondent can by itself create a presumption of bad faith.

The Panel further notes that the Complainant issued a cease-and-desist letter on August 25, 2022, requesting that the Disputed Domain Names be transferred to the Complainant and subsequently filed the Complaint on September 29, 2022. On or around September 28, 2022, the Respondents initiated the process to change the registrar of one of the Disputed Domain Names as set forth in the section headed “Procedural History”. The Panel agrees that this may have been an attempt to avoid or delay judicial or UDRP proceedings by changing registrars after learning of a potential complaint and that this conduct itself may be an indication of bad faith under the Policy.

Having considered the above, the Panel finds that all the Disputed Domain Names have also been used in bad faith.

The Panel therefore finds that the Disputed Domain Names have been registered and are being used in bad faith, and thus the condition of paragraph 4(a)(iii) of the Policy has been fulfilled.

8. 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 Names, <heartaerospace-china.com>, <heartaerospacechina.com>, and <heart-aerospace.com>, be transferred to the Complainant.

/Peter J. Dernbach/

Peter J. Dernbach

Sole Panelist

Date: November 25, 2022