

## **ADMINISTRATIVE PANEL DECISION**

UAB Orbio World v. Isaac Cheung  
Case No. D2024-3764

### **1. The Parties**

The Complainant is UAB Orbio World, Lithuania, represented by CEE Attorneys, Lithuania.

The Respondent is Isaac Cheung, Hong Kong, China.

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

The disputed domain name <huuskknife.net> is registered with CloudFlare, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2024. On September 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 16, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on September 18, 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 amendment to the Complaint on September 20, 2024.

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 Respondent of the Complaint, and the proceedings commenced on September 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 14, 2024.

The Center appointed Ganna Prokhorova as the sole panelist in this matter on October 17, 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 is engaged in e-commerce business that develops, inter alia, household products - particularly kitchen knives under the brand name HUUSK - and selling them to customers worldwide through its e-stores.

The Complainant is the owner of a number of HUUSK trademarks worldwide, particularly:

- European Union trademark registration for HUUSK, No. 018451244, registered on July 28, 2021 for goods in class 8; and
- China trademark registration for HUUSK (fig.), No. 64330997, registered on October 21, 2022, for goods in class 8.

The Complainant sells its HUUSK products through its e-stores available at different websites, such as under the domain name <huusk.com>, registered in the name of the Complainant. The date of registration of the Complainant's domain name <huusk.com> is October 16, 2015.

The disputed domain name was registered on June 2, 2024. At the time of filing the Complaint, the disputed domain name resolved to a website, displaying the Complainant's trademark and offering the products under the Complainant's HUUSK trademark. On the moment of issuing this decision, the disputed domain name leads to a default webpage.

#### **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:

- (1) The disputed domain name is identical or at least confusingly similar to the trademark owned by the Complainant, because it consists of two words, i.e., "huusk" and "knife". Thus, the first word "huusk" is identical to the registered trademark while the other word corresponds to the goods (i.e., knives) for which the HUUSK mark is registered.
- (2) The Respondent has no rights or legitimate interests in the disputed domain name, which is used for cybersquatting. The Respondent has registered the disputed domain name with the intention of profiting from it, i.e., to market identical kitchen knives under the same well-known brand name "Huusk" in order to mislead users who may believe that they are visiting one of the official websites (online stores) of the Complainant. The Respondent has not been commonly known by the disputed domain name. The disputed domain name is used for commercial purposes for a relatively short period.
- (3) The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name confusingly similar to the Complainant's registered trademark and its official websites with the intent to impersonate as an official retailer of the Complainant's products. The Complainant has no affiliations or connections with the Respondent, has never supplied the Respondent with

original products, and has not granted any rights or licenses to use its trademark or copyrighted material. The Respondent's conduct demonstrates a clear intent to misappropriate the goodwill associated with the Complainant's trademark and mislead visitors into believing that they are purchasing genuine products of the Complainant from an authorized source.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer the disputed domain name. As the UDRP proceedings are administrative, the standard of proof is the balance of probabilities.

To succeed in a UDRP complaint, the Complainant has to demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, namely:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint.

However, even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all these requirements are fulfilled. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See, section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views captured therein.

For the purpose of these proceedings, the Panel also draws attention of the Complainant that according to [WIPO Overview 3.0](#), section 3.1, since the UDRP normally provides for a single round of pleadings without opportunity for discovery, panels expect that a complainant should anticipate and address likely plausible respondent defenses with supporting arguments and evidence in its complaint.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". Under this standard, a party should demonstrate to a panel's satisfaction that it is more likely than not that a claimed fact is true. See [WIPO Overview 3.0](#), section 4.2.

The Panel also notes that it has undertaken limited independent research regarding the prior rights and domain names owned by the Complainant. The Panel has made its investigation in accordance with paragraph 10 of the Rules. Such an approach is consistent with the majority of the panel views about the capacity of a panel to undertake independent research (see [WIPO Overview 3.0](#), section 4.8). The Panel has undertaken this research only to the extent necessary to clarify matters of public record as the Panel considers such information useful to assessing the case merits and reaching a decision.

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

Based on the evidence submitted by the Complainant, the Panel finds that the Complainant has shown rights in respect of its HUUSK mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the Complainant's mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the term "knife" cannot prevent the finding of confusing similarity between the disputed domain name and the Complainant's HUUSK mark. [WIPO Overview 3.0](#), section 1.8.

The generic Top-Level Domain ".net" in the disputed domain name should be viewed as a standard registration requirement and disregarded. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that 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 Panel found that the Respondent has no trademark rights related to the disputed domain name. The Panel also has not found evidence that the Respondent has been commonly known by the disputed domain name.

The Complainant has not licensed, authorized, or permitted the Respondent to register the disputed domain name incorporating the Complainant's mark. The Panel also takes into account that the Respondent is not sponsored by or legitimately affiliated with the Complainant in any way.

There is no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, as demonstrated by the Complainant, at the time of filing the Complaint, the disputed domain name directed to a website

where the Complainant's HUUSK trademark was used. This suggests that the disputed domain name clearly refers to the Complainant, its trademarks, and its goods.

After reviewing the available record, the Panel finds that 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 case and has not provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name as outlined in the Policy or otherwise.

Noting the above, 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 Complainant asserts that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks. The Respondent has not refuted this contention, provided incomplete contact information, the Complainant has valid trademark rights for HUUSK, and the disputed domain name is confusingly similar to the Complainant's mark. Accordingly, without any evidence to the contrary from the Respondent, the Panel infers that the Respondent was aware of the Complainant at the time it registered the disputed domain name.

The Respondent's use of the Complainant's trademark on the website, without displaying a disclaimer of affiliation with the Complainant's official website, also clearly indicates awareness of the Complainant and a deliberate attempt to target its business. The Panel therefore finds that the Respondent acted in bad faith by its registration and use of the disputed domain name, intentionally creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website with the purpose of attracting Internet users for commercial gain as per paragraph 4(b)(iv) of the Policy.

Considering the Respondent's lack of response in this proceeding, the previous use of the disputed domain name, and the implausibility of any legitimate use for the disputed domain name, the totality of the circumstances suggests bad faith.

Based on these circumstances and the evidence presented, 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 <huuskknife.net> be transferred to the Complainant.

*/Ganna Prokhorova/*

**Ganna Prokhorova**

Sole Panelist

Date: October 31, 2024