

ADMINISTRATIVE PANEL DECISION

Anker Innovations Limited v. Ulrich Eggers; Juan Allman; Stefanie Fuchs; Jan Jaeger; Dieter Boehm; Erik Muller; Robert Fried; Doreen Austerlitz; Klaus Hertz; Kathleen Covington; daniel bach; lisa hofmann; frank Reinhardt; Faber Mike, Mike Faber; Hertz Klaus, Klaus Hertz; Sandstrom Gottfrid; Gottfrid Julius; Claudia Gottschalk; Katrin Freud; Marco Sommer; and Patrick Reinhardt
Case No. D2024-3817

1. The Parties

The Complainant is Anker Innovations Limited, Hong Kong, China, represented by Boehmert & Boehmert, Germany.

The Respondents are Ulrich Eggers, Germany; Juan Allman, Canada; Stefanie Fuchs, Germany; Jan Jaeger, Germany; Dieter Boehm, Germany; Erik Muller, Germany; Robert Fried, Germany; Doreen Austerlitz, Germany; Klaus Hertz, Germany; Kathleen Covington, Canada; daniel bach, Germany; lisa hofmann, Germany; frank Reinhardt, Germany; Faber Mike, Mike Faber, Germany; Hertz Klaus, Klaus Hertz, Germany; Sandstrom Gottfrid, France; Gottfrid Julius, France; Claudia Gottschalk, Germany; Katrin Freud, Germany; Marco Sommer, Germany; and Patrick Reinhardt, Germany.

2. The Domain Names and Registrars

The disputed domain names <anker-australia.com>, <anker-indonesia.com>, <anker-nederland.com>, <anker-hrvatska.com>, and <soundcoreuae.com> are registered with NameSilo, LLC.

The disputed domain names <anker-thailand.com>, <anker-suomi.com>, <anker-southafrica.com>, <ankerdk.com>, and <ankercanada.com> are registered with Dynadot Inc.

The disputed domain names <anker-singapore.com>, <anker-france.com>, and <anker-chile.com> are registered with 1API GmbH.

The disputed domain names <ankernz.com> and <ankerpowerbankuk.com> are registered with CNOBIN Information Technology Limited.

The disputed domain names <ankerdubaimall.com>, <anker-colombia.com>, and <anker-norge.com> are registered with Hosting Concepts B.V. d/b/a Registrar.eu.

The disputed domain names <ankerfactoryoutlet.com> and <anker-japan.com > are registered with Gransy, s.r.o. d/b/a subreg.cz.

The disputed domain names <anker-malaysia.com>, <anker-philippines.com>, and <ankerschweiz.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain names <anker-peru.com> and <ankermagyarorszag.com > are registered with Key-Systems GmbH.

(NameSilo, LLC, Dynadot Inc, 1API GmbH, CNOBIN Information Technology Limited, Hosting Concepts B.V. d/b/a Registrar.eu., Gransy, s.r.o. d/b/a subreg.cz, PDR Ltd. d/b/a PublicDomainRegistry.com, and Key-Systems GmbH are hereinafter referred to as the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 19, 2024. On September 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 19 and September 20, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 25, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on September 26, 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 Respondents of the Complaint, and the proceedings commenced on October 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 28, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on October 29, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on November 1, 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 based in Hong Kong, China was established in 2011 and is a leading international mobile charging brand. It has extended its product range to include various consumer electronic segments including premium audio, home entertainment, home security, robotic appliances and the emerging smart home space offered under its sub-brands “eufy”, “soundcore”, and “Nebula”. With over 100 million customers in more than 100 countries and regions around the world, the Complainant and its key brands realised revenue in 2020 of over USD 1.4 billion. It owns various trade mark registrations for its ANKER mark including European Union trade mark (word mark) No. 10358406, registered on April 26, 2012; and European Union

trade mark (figurative mark) No. 016662355, registered on October 11, 2017. It also owns European Union trade mark No. 015223712, registered on August 12, 2016 for the SOUNDCORE mark.

Each of the disputed domain names was registered within a period of one month and most within a period of three to seven days as follows:

- <ankerfactoryoutlet.com>, registered on June 22, 2024
- <anker-australia.com>, registered on June 23, 2024
- <anker-malaysia.com>, registered on June 23, 2024
- <anker-philippines.com>, registered on June 23, 2024
- <anker-singapore.com>, registered on June 23, 2024
- <ankercanada.com>, registered on June 23, 2024
- <ankerdubaimall.com>, registered on June 23, 2024
- <ankernz.com>, registered on June 23, 2024
- <anker-france.com>, registered on June 24, 2024
- <anker-indonesia.com>, registered on June 24, 2024
- <anker-japan.com>, registered on June 24, 2024
- <anker-thailand.com>, registered on June 24, 2024
- <ankerschweiz.com>, registered on June 24, 2024
- <anker-chile.com>, registered on June 25, 2024
- <anker-colombia.com>, registered on June 25, 2024
- <anker-nederland.com>, registered on June 25, 2024
- <anker-peru.com>, registered on June 25, 2024
- <ankermagyarorszag.com>, registered on June 26, 2024
- <soundcoreuae.com>, registered on July 1, 2024
- <anker-suomi.com>, registered on July 25, 2024
- <ankerpowerbankuk.com>, registered on July 21, 2024
- <ankerdk.com>, registered on July 21, 2024
- <anker-hrvatska.com>, registered on July 21, 2024
- <anker-norge.com>, registered on July 21, 2024
- <anker-southafrica.com>, registered on July 20, 2024

Each of the disputed domain names resolves or has formerly resolved to a website featuring an online shop ostensibly for the Complainant's products and most of them are "geo-targeted" such that they can only be accessed from IP addresses within the country targeted by the respective online shop. These websites are similarly structured and make prominent use at the top of the page of the Complainant's figurative ANKER mark or of its SOUNDCORE mark and make use of materials taken without authorisation from the Complainant's official websites at "www.anker.com" and at "www.soundcore.com". All other subpages at the website to which each disputed domain name resolves feature further information on the operator and the terms and/or services of the websites ("Shipping and Delivery", "Data Protection", "Return Policy", "Payment Options") and are very similar to one another.

5. Parties' Contentions

A. Complainant

The Complainant submits that all of the disputed domain names are controlled by the same person or entity on the basis that the disputed domain names: (1) follow the same naming scheme being the protected trade mark ANKER or SOUNDCORE, followed by the name of the country for which the online shop is designated; (2) have all been registered within a period of one month, most within a period of several days; (3) feature address details for respondents which either do not exist at all or do not match up with the city or state information of the same entry; (4) or a substantial portion of them share the same registrar; (5) divert to websites for online shops which are fake or fraudulent and masquerade as if they are owned by or affiliated with the Complainant when this is not the case; and (6) prior to registrar verification the

Complainant found that the registrant and address information was either missing or concealed by a privacy service. On this basis the Complainant submits that the disputed domain names are under common control and that it would be fair and equitable to all parties for them to be consolidated into one complaint.

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

Notably, the Complainant contends that it owns registered trade mark rights for its ANKER and SOUNDCORE marks as set out above. It submits that each of the disputed domain names wholly incorporates either the ANKER or the SOUNDCORE marks and each disputed domain name is therefore confusingly similar to either mark. It says that the additional inclusion of descriptive geographic country names in relation to corresponding online shops, or of common terms such as “factory outlet”, “mall” or “power bank” do not distinguish any of the disputed domain names. It notes also that the term “magyarország” is the Hungarian name for Hungary. According to the Complainant, none of this prevents a finding of confusing similarity in relation to each of the disputed domain names.

The Complainant also submits that the content of the websites to which each of the disputed domain names resolve clearly shows that the Respondent has been targeting the Complainant’s ANKER and SOUNDCORE trade marks. It says that any Internet user visiting the websites to which each of the disputed domain names resolve would reasonably expect to find a website commercially linked to the owner of the ANKER and SOUNDCORE trade marks. The Complainant says that it is well established that the content of a website associated with a domain name can confirm confusing similarity when there is prima facie evidence showing that a respondent is targeting a trade mark through the disputed domain name and that this is the case in this instance.

The Complainant says that it has not licensed or otherwise permitted the Respondent to use any of its trade marks or to register any of the disputed domain names incorporating its ANKER and/or SOUNDCORE trade marks. It further says that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names. On the contrary, says the Complainant, the Respondent’s behavior shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting consumers or to tarnish the trade marks owned by the Complainant. It says that the Respondent is not an authorised distributor or reseller of ANKER and / or SOUNDCORE products and secondly that the websites to which the disputed domain names resolve do not meet the requirements set out by numerous panel decisions for a bona fide offering of goods.

The Complainant says that the disputed domain names suggest at least an affiliation with the Complainant and its ANKER and SOUNDCORE trade marks. It notes that the websites prominently present the Complainant’s registered ANKER and SOUNDCORE logos at the top left of each site and that they use the Complainant’s official product images and marketing materials without authorisation while at the same time claiming copyright in this material. The Complainant further says that the websites include no information regarding the identity of the provider of the website and that they largely contain marketing material and images taken without authorisation from the Complainant and that any further information on the terms or services of the websites are either insubstantial placeholders or copied from other websites. The Complainant asserts that these websites are unauthorised fraudulent sites and that such use of the disputed domain names cannot be considered a bona fide offering of goods and does not establish a legitimate interest on behalf of the Respondent.

The Complainant submits that it is evident from the Respondent’s use of the disputed domain names that the Respondent knew of the Complainant’s ANKER and/or SOUNDCORE trade marks when it registered the disputed domain names. The Complainant says that the way in which the Respondent uses the Complainant’s ANKER and SOUNDCORE trade marks, not only in the disputed domain names, but also in the corresponding names of the online shops leaves no doubt that the Complainant intentionally targeted the Complainant’s registered ANKER and/or SOUNDCORE trade marks when registering and using the disputed domain names. Masquerading in this manner as if it is the Complainant, or is affiliated with or endorsed by

the Complainant in this way, amounts, according to the Complainant, to fraudulent use of each of the disputed domain names and is clearly demonstrative of registration and use in bad faith.

The Complainant also asserts that the Respondent registered and used the disputed domain names with the intention of attracting, for commercial gain, Internet users to the websites to which each of the disputed domain names divert by creating a likelihood of confusion with the Complainant's ANKER and/or SOUNDCORE trade marks as to the source, sponsorship, affiliation, or endorsement of the websites in terms of paragraph 4(b)(iv) of the Policy.

The Complainant also asserts that the fact that the Respondent is using privacy protection services to hide its true identity also constitutes a factor indicating bad faith.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that there are a number of common features which are indicative of common control and which in the Panel's view most likely indicate that the disputed domain names have all been registered by the same controlling person or entity. Firstly, the disputed domain names all follow the same naming scheme being the protected trade mark ANKER or SOUNDCORE, followed by the name of the country for which the online shop is designated. Secondly, they have all been registered within a period of one month and most within a period of several days. Thirdly, the disputed domain names feature address details for the Respondents which, based on the Complainant's evidence, appear to not exist or do not match up with the city or state information of the same entry. Fourthly, a substantial portion of them share the same registrar. Fifthly, they currently divert, or formerly diverted, to websites for online shops which are all in very similar format, which feature the Complainant's registered trade marks without authority and which masquerade as if they are owned by, or are affiliated with the Complainant when this is not the case.

Overall, the Panel considers it more likely than not that each of the disputed domain names is controlled by the same person or entity. As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 names. [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 that either the ANKER or SOUNDCORE marks are wholly incorporated into each of the disputed domain names and are recognisable within each of them. Accordingly, each of the disputed domain names are confusingly similar to the Complainant's ANKER or SOUNDCORE marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The inclusion in each disputed domain name of additional elements such as descriptive geographic country names in relation to corresponding online shops, or of common English terms such as "factory outlet", "mall", or "power bank", do not prevent a finding of confusing similarity in relation to each of the disputed domain names.

The Panel finds the first element of the Policy has been established in relation to each of the disputed domain names.

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 recognised 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 Complainant has submitted that it has not licensed or otherwise permitted the Respondent to use any of its trade marks or to register any of the disputed domain names incorporating its ANKER and/or SOUNDCORE trade marks. It has further asserted that the Respondent is not making a legitimate noncommercial or fair use of any of the disputed domain names. The Complainant has asserted that the Respondent's behavior shows a clear intent to obtain an unfair commercial gain, with a view to misleadingly diverting Internet users or to tarnish the trade marks owned by the Complainant. The Complainant has confirmed that the Respondent is not an authorised distributor or reseller of ANKER and/or SOUNDCORE products and has asserted that considering the websites to which the disputed domain names resolve the Respondent's conduct does not meet the requirements for a bona fide offering of goods.

The Complainant has also submitted that each of the disputed domain names suggest at least an affiliation with the Complainant and its ANKER and/or SOUNDCORE trade marks. The Panel notes that the current or former websites prominently present the Complainant's registered ANKER and SOUNDCORE logos at the top left of each site. They are all in a very similar format and according to the Complainant reproduce its official product images and marketing materials without authorisation while at the same time attempting to claim copyright ownership in the material on each site. The Complainant further says that the websites include no information regarding the identity of the provider of the website and that they largely contain marketing material and images taken without authorisation from the Complainant and that any further information on the terms or services of the websites are either insubstantial placeholders or copied from other websites. The Complainant has further asserted that these websites are unauthorised fraudulent sites

and that such use of the disputed domain names cannot be considered a bona fide offering of goods and does not establish a right or legitimate interest on behalf of the Respondent.

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 each of the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

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 the Respondent registered each of the disputed domain names in June or July 2024 long after the registration of the Complainant's ANKER or SOUNDCORE marks. It is more than likely, based upon the fact that the websites to which each of the disputed domain names now resolve or formerly resolved, feature either the Complainant's ANKER or SOUNDCORE trade marks and representations of the Complainant's products, that the Respondent was well aware of the Complainant's ANKER or SOUNDCORE trade marks and of its business when it registered each of the disputed domain names.

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.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of a disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation, or endorsement of the website.

It is apparent in this case that the Respondent is using, or has used, each of the disputed domain names intentionally to divert Internet users to its own websites, which feature the Complainant's trade marks and representations of the Complainant's products and which appear to masquerade as if they are endorsed by, affiliated with, or are owned by the Complainant when that is not the case. It is apparent that the Respondent is acting in this regard for its own commercial gain or fraudulent purposes and attempting to confuse Internet users in this manner amounts to the conduct proscribed under paragraph 4(b)(iv) of the Policy and is evidence of registration and use of each of the disputed domain names in bad faith.

The Respondent's conduct in this case amounts to a targeting of the Complainant's trade marks and business and the Panel's view of its bad faith is only reinforced by its likely use of false registration details for each of the disputed domain names and of privacy services in order to mask further the identity of the real registrant of each of the disputed domain names.

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 names <anker-australia.com>, <ankercanada.com>, <anker-chile.com>, <anker-colombia.com>, <ankerdk.com>, <ankerdubaimall.com>, <ankerfactoryoutlet.com>, <anker-france.com>, <anker-hrvatska.com>, <anker-indonesia.com>, <anker-japan.com>, <ankermagyarorszag.com>, <anker-malaysia.com>, <anker-nederland.com>, <anker-norge.com>, <ankernz.com>, <anker-peru.com>, <anker-philippines.com>, <ankerpowerbankuk.com>, <ankerschweiz.com>, <anker-singapore.com>, <anker-southafrica.com>, <anker-suomi.com>, <anker-thailand.com>, and <soundcoreuae.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: November 12, 2024