

ADMINISTRATIVE PANEL DECISION

Hi-Tec Sports International Holdings B.V. v. zheng zhou, Zhenhe Qiu
Case No. D2024-5010

1. The Parties

The Complainant is Hi-Tec Sports International Holdings B.V., Netherlands (Kingdom of the), represented by Chiever B.V., Netherlands (Kingdom of the).

The Respondents are zheng zhou and Zhenhe Qiu, China.

2. The Domain Name and Registrar

The disputed domain names <hi-tec-de.com> and <hitec-fr.com> are registered with Cosmotown, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 4, 2024. On December 5, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 8, 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 (Not Available) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 2024, with the registrants 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 amended Complaint on December 10, 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 the Respondents of the Complaint, and the proceedings commenced on December 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on January 3, 2025.

The Center appointed Fabrizio Bedarida 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 Complainant is Hi-Tec Sports International Holdings B.V., Netherlands. The Complainant designs, manufactures, distributes, and sells sportswear and outdoor products under its trademark HI-TEC. The Complainant's company was founded in 1974.

The Complainant has numerous registrations for the HI-TEC trademark around the world. The Complainant is, inter alia, the owner of the following:

European Union trademark registration number 012093324 for the HI-TEC (word) trademark registered on February 27, 2014, covering goods in classes 18 and 20;

European Union trademark registration number 018860642 for the HI-TEC (word) trademark registered on August 24, 2023, covering goods in class 25;

United States of America trademark registration number 2117964 for the HI-TEC (word) trademark registered on December 2, 1997, covering goods in class 18;

United States of America trademark registration number 1384363 for the HI-TEC (word) trademark registered on February 25, 1986, covering goods in class 25.

In addition, the Complainant operates, among others, the domain name <hi-tec.com>.

The disputed domain names were registered on September 12, 2024, and October 10, 2024, respectively, and, at the time of filing of the Complaint, resolved to websites displaying the Complainant's HI TEC (word and device) trademarks. On these websites, the goods displayed are the same as those offered by the Complainant.

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 names are confusingly similar to the HI-TEC trademark, that the Respondents have no rights or legitimate interests in respect of the disputed domain names, and particularly that it is implausible that the Respondents were unaware of the Complainant's renowned trademark when they registered the disputed domain names.

In addition, the Complainant affirms that the Respondents are knowingly taking advantage of and capitalizing on the Complainant's well-known trademark, that this is evident given the fact that the Respondents copied the concepts of the Complainant, including key words, trademarks, and product featured on the Complainant's website, and finally that this shows the Respondents' bad faith in registering and using the disputed domain names.

Regarding the Respondents' identity, the Complainant has requested a consolidation of multiple disputed domain names and the Respondents. In support of the above request, the Complainant claims that:

1. both Respondents are related, to the extent that a sufficient unity of interest exists such that they may essentially be treated as a single domain name holder for the purposes of Policy paragraph 3(c) of the Rules;
2. the registration dates of the disputed domain names fall within a short timeframe and both disputed domain names use the same name servers;
3. the websites under the disputed domain names are highly similar in structure and layout;
4. both Respondents are domiciled in China;
5. the composition of the disputed domain names is almost identical;
6. there appears to be a pattern of similar Respondent behavior, as the email addresses and phone numbers associated with the Respondents appear to be non-operational and were likely fabricated with the intent of making it more difficult to hold the Respondents accountable;
7. consolidation of proceedings would be fair and equitable to all parties.

B. Respondent

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

6. Discussion and Findings

6.1. Consolidation of 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 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, owing to the fact that the registrants of the disputed domain names are located in the same country, the fact that the disputed domain names are set up with the same name server (Cloudflare), the fact that the disputed domain names are registered with the same Registrar, the fact that the composition of the disputed domain names is almost identical, and the fact that, from the un rebutted claim and submissions of the Complainant, it appears that the email addresses and phone numbers associated with the Respondents are non-operational and likely fabricated, finds that the disputed domain names identified in the Complaint, on the balance of probability, are registered by the same domain name holder or are at least under common control.

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.

6.2. Substantive Issues

In order for the Complainant to obtain a transfer of the disputed domain names, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are 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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark 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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, hyphens and the terms “de” and “fr”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

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 the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 was aware of the Complainant's trademark registrations and rights to the HI-TEC trademark when it registered the disputed domain names. The disputed domain names contain the Complainant's registered HI-TEC trademark in its entirety, without any authorization or approval.

The disputed domain names were registered several decades after the Complainant registered its HI-TEC trademark. In addition, owing to the use of the disputed domain names to resolve to websites displaying the Complainant's trademark and logo, and offering purported HI-TEC-branded goods for sale, it is very unlikely that the Respondent was not aware of the existence of the Complainant's trademarks and domain name when registering the disputed domain names. Therefore, it is more likely than not that the Respondent, when registering the disputed domain names, had knowledge of the Complainant's earlier rights to the HI-TEC trademark.

Further, by using the disputed domain names, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Moreover, panels have held that the use of a domain name for illegitimate activity, here alleged to be used to mislead Internet users into believing they are visiting authorized websites of (or linked to) the Complainant, i.e., claimed impersonation/passing off, constitutes bad faith ([WIPO Overview 3.0](#), section 3.4). Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 <hi-tec-de.com> and <hitec-fr.com> be transferred to the Complainant.

/Fabrizio Bedarida/

Fabrizio Bedarida

Sole Panelist

Date: January 21, 2025