

ADMINISTRATIVE PANEL DECISION

Nokia Corporation v. 钟奇 (Zhong Qi)

Case No. D2024-5121

1. The Parties

The Complainant is Nokia Corporation, Finland, represented by SafeBrands, France.

The Respondent is 钟奇 (Zhong Qi), China.

2. The Domain Name and Registrar

The disputed domain name <nokia.space> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 12, 2024. On December 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 13, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 in Chinese and English of the Complaint, and the proceedings commenced on December 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 10, 2025.

The Center appointed Hong Yang as the sole panelist in this matter on January 20, 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, founded in 1865, is a Finnish multinational company specializing in telecommunications, information technology and consumer electronics. It has become a global technology leader across mobile, fixed and cloud networks with sales in more than 130 countries, including China where the Respondent is located, with a global annual revenue of EUR 22.2 billion in 2023.

The Complainant owns a portfolio of trademarks containing the wording “Nokia” covering multiple jurisdictions, including the following: European Union Trademark Registration No.000340836 for NOKIA, registered on September 9, 1998; European Union Trademark Registration No. 000871194 for NOKIA, registered on March 24, 2000; and International Trademark Registration No. 771539 for NOKIA, registered on February 15, 2001, designating several jurisdictions including China.

The Complainant also owns various domain names incorporating its mark NOKIA, including <nokia.com> registered since July 11, 1991.

The disputed domain name was registered on March 26, 2021. According to the evidence provided by the Complainant, at the time of filing of this Complaint, the disputed domain name resolved to an inactive page. Furthermore, the Respondent registered in the past one year another domain name identical to the NOKIA mark held by the Complainant, for which the Respondent was found with registration and use in bad faith by the relevant UDRP proceeding. See *Nokia Corporation v. 钟奇 (Zhong Qi)*, WIPO Case No. [D2023-4805](#).

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.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. 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 the fact that: (1) the disputed domain name is formed by words in Latin characters forming a distinctive and well-known trademark; (2) the disputed domain name has been registered under the English new generic Top-level Domain (“gTLD”), “.space”, indicating that the Respondent appears to understand the English language; (3) the Complainant is a Finnish company, and the use of Chinese would impose undue burden of additional expense and delay on the Complainant.

The Respondent had, moreover, been notified by the Center, in both Chinese and English, of the language of the proceeding, and the deadline for filing a Response in Chinese or English. The Respondent did not make any specific submissions with respect to the language of the proceeding nor did the Respondent file any Response.

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 Issues

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

The applicable gTLD, ".space" in the disputed domain name does not change this finding, since the gTLD, as a standard registration requirement, is generally disregarded under the first element test. [WIPO Overview 3.0](#), section 1.11.1.

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.

The Panel notes that the composition of the disputed domain name itself carries a high risk of implied affiliation, given that it is identical to the Complainant's trademark. [WIPO Overview 3.0](#), section 2.5.1.

Further, available record shows that the Respondent is not affiliated or otherwise authorized by the Complainant or held any registration of the NOKIA mark anywhere. There is no evidence indicating that the Respondent may be commonly known by the disputed domain name.

The disputed domain name resolved to an inactive page, showing that the Respondent did not make any use of or have made any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, neither did the Respondent make any legitimate noncommercial or fair use of the disputed domain name.

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 has used without any license or authorization the Complainant's trademark alone and in full in the disputed domain name. The Complainant's trademark NOKIA is globally well known and the Complainant's registration and use of its mark much predates the Respondent's registration of the disputed domain name, including in the jurisdiction where the Respondent allegedly resides. Moreover, the Respondent was also involved in an earlier case filed by the Complainant (see *Nokia Corporation v. 钟奇 (Zhong Qi)*, WIPO Case No. [D2023-4805](#)) in which the panel found that the Respondent had registered and used the domain name <nokia.host> in bad faith. Therefore, the Panel finds that the Respondent knew of the Complainant's mark at the time of registering the disputed domain name.

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.

At the time of filing of the Complaint, the disputed domain name resolved to an inactive page. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's failure to submit a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Furthermore, the available record shows that the Respondent had earlier registered at least one domain name that is identical to the well-known NOKIA mark held by the Complainant, for which the Respondent was found with registration and use in bad faith in the relevant UDRP proceeding. Panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner. [WIPO Overview 3.0](#), section 3.1.2. This, combined with the other factors identified in this case, leads the Panel to consider more likely than not that the Respondent has engaged in a pattern of trademark-abusive domain name registration, preventing the Complainant from reflecting its mark in the corresponding domain name. This corroborates the finding of bad faith under paragraph 4(b)(ii) of 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 name <nokia.space> be transferred to the Complainant.

/Hong Yang/

Hong Yang

Sole Panelist

Date: February 3, 2025.