

ADMINISTRATIVE PANEL DECISION

SPH Media Limited v. wei liao

Case No. D2024-5142

1. The Parties

The Complainant is SPH Media Limited, Singapore, internally represented.

The Respondent is wei liao, China, self-represented.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2024. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 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 (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 17, 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 December 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 December 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 12, 2025. Email communications responding to the Complainant’s contentions, together with annexures, were received from the Respondent’s contact email address on December 24, 2024, and December 29, 2024.

The Center appointed Matthew Kennedy as the sole panelist in this matter on January 21, 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 a newspaper publisher in Singapore. One of its newspapers is the Chinese-language broadsheet “联合早报” which may be transliterated as “Lianhe Zaobao”. The newspaper’s masthead comprises these four characters in a calligraphic script with “早” shown on a red disk and the words “LIANHE ZAOBAO” in Latin script underneath (the “Complainant’s masthead”). The Complainant holds multiple trademark registrations, including the following:

- Singapore trademark registration number 40201701516U for ZAOBAO, registered on May 25, 2017, specifying goods in class 9;
- Singapore trademark registration number T0010675Z for ZAOBAO.COM in two fancy scripts, registered on April 23, 2003, specifying services in class 35;
- Chinese trademark registrations numbers 3146855 and 3146861, both for ZAOBAO.COM in a fancy script, both registered on August 21, 2003, both specifying services in class 41; and
- Singapore trademark registration number 40202321508P for a series of figurative marks 联合早报 LIANHE ZAOBAO depicting the Complainant’s masthead, registered on April 24, 2024, specifying goods and services in multiple classes.

The Complainant also registered the domain name <zaobao.com> in 1997 and uses it in connection with a website in Chinese that publishes an online version of “联合早报” (Lianhe Zaobao), directed at users in mainland China; Hong Kong, China; and Macau, China. The website prominently displays the Complainant’s masthead. According to traffic data presented by the Complainant, the site received on average 1.125 million unique visitors per month from August to October 2024. The Complainant operates social media accounts for “联合早报” (Lianhe Zaobao), including a Weibo account created in 2009 that has 3.5 million followers. The Complainant also registered the domain name <zaobao.com.sg> in 1997 and uses it in connection with a website that publishes an online version of “联合早报” (Lianhe Zaobao), directed at users in Singapore and the rest of the world.

The Respondent is an individual based in China.

The disputed domain name was created on October 9, 2023. It resolves to a news website in Chinese that prominently displays a logo comprising the characters “联合早报中文网”, (meaning the Chinese version of Lianhe Zaobao) and a tri-colored device (“the Respondent’s masthead”). This masthead also appears in the favicon. According to evidence presented by the Complainant, the website reproduces news articles and images first published on the Complainant’s website, with a delay of a day or less. Some articles and the webpage footer show their source as “联合早报网” (meaning “Lianhe Zaobao Net”). Some photographs show a watermark of the Complainant’s masthead. Articles without an image display “联合早报中文网” above “zaobaoc.com”, which both indicate that this is the Chinese version of Lianhe Zaobao. The website also displays banner advertising. According to traffic data presented by the Complainant, the Respondent’s website received on average over 117,000 unique visitors per month from August to October 2024.

The Complainant sent a notice of claim of copyright infringement regarding the Respondent’s website to Amazon Web Services on November 11, 2024. Within 10 days, the Respondent sent a counter-notice stating that he had a good faith belief that the material was removed or disabled due to an error or misidentification, and that the material did not infringe any copyright. According to evidence presented by the Complainant, the masthead on the Respondent’s website was changed temporarily on or about

December 2, 2024 to read “世界早报” (meaning “World Morning Post”) but by December 4, 2024 it had reverted to “联合早报” (Lianhe Zaobao).

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 ZAOBAO / ZAOBAO.COM brand is well-known to the public in Singapore and in China. The disputed domain name is confusingly similar to the Complainant’s ZAOBAO and ZAOBAO.COM marks. The romanization of “qu” is most commonly associated with the Chinese word “去”, meaning “to go to”.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent persistently and egregiously scrapes the content of the Complainant’s websites on a daily basis. The Complainant has never given permission to the Respondent to reproduce and/or publish this content. This is not a use of the disputed domain name in connection with a bona fide offering of goods or services.

The disputed domain name was registered and is being used in bad faith. The Complainant has not licensed, authorized, or otherwise permitted the Respondent to utilize the ZAOBAO or ZAOBAO.COM marks, nor does the Complainant have any relationship or association whatsoever with the Respondent. The Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users away from the Complainant’s Zaobao websites to the Respondent’s website, by creating a likelihood of confusion with the ZAOBAO and ZAOBAO.COM marks and the LIANHE ZAOBAO marks as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. The substantial wholesale reproduction and/or publication of the Complainant’s content without the Complainant’s consent for the commercial purpose of profiting from advertising revenue constitutes an unfair use of the that content.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that the disputed domain name was registered based on Chinese Internet users’ habits and cultural traditions, as it aligns with the website’s focus on news and information. The word “zaobao” (早报), meaning “morning news” is a widely used generic term. Any attempt to privatize this common Chinese cultural term would severely impair the legitimate rights of Chinese Internet users. It is not a distinctive brand name. The Complainant cannot register “zaobao” as a trademark in China because it is a generic term. The use of “zaobao” as a term in China predates the Complainant’s use of it in Singapore. There is a clear distinction between “lianhezaobao” (联合早报) and “zaobao” (早报) both legally and in practical usage.

The Respondent’s website primarily serves users in China, where 90 per cent of its users are based. The website has a monthly active readership of 1 million and any attempt to hijack the disputed domain name would significantly disrupt the news access for the Chinese audience. The Chinese website “quzaobao” (趣早报), which translates to “Fun Morning News” is well-loved by hundreds of thousands of active users in China. It operates as an independent news platform, fundamentally different from the Complainant’s government-backed Lianhe Zaobao in target audience, operational model, and content orientation. The Respondent’s brand identity emphasizes the character “趣” (qu), meaning “interesting”, creating a clear distinction from Lianhe Zaobao. The Respondent has clearly stated on its website the distinction between its site and the Complainant’s site to prevent any confusion among users. Website design and brand identity have been carefully planned to ensure users can clearly differentiate between the platforms.

The disputed domain name was not registered in bad faith or to target the Lianhe Zaobao brand in Singapore. It is important to understand that “zaobao” in China is based on the pinyin system, which is distinct from the English language. The term “zaobao” (早报) has deep cultural roots in China embedded in the Chinese cultural practice of morning newspaper reading similar to, but culturally distinct from, the English concept of “morning news”. Given that this is a culturally sensitive issue in China, the decision should be made from the perspective of local Chinese culture. The term “zaobao” should not be used as a basis for a dispute in another country. It is inappropriate for a sovereign State-supported media institution to interfere with the normal operations of independent news websites in other countries.

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements:

- (i) the disputed domain name is 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 name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Complainant bears the burden of proof of each element. Failure to demonstrate any one element will result in denial of the Complaint.

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 trademarks and the disputed domain name. See 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 ZAOBAO trademark and a ZAOBAO.COM trademark for the purposes of the Policy. Given the global nature of the Internet and the Domain Name System, the fact that the ZAOBAO trademark is valid in Singapore but not in China is not considered relevant to the assessment of the first element of paragraph 4(a) of the Policy. See [WIPO Overview 3.0](#), sections 1.1.2 and 1.2.1.

The disputed domain name incorporates the entirety of both marks. Despite the addition of “qu”, both marks are clearly recognizable within the disputed domain name. As regards the ZAOBAO mark, the only additional element is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the Policy. As regards the ZAOBAO.COM mark, there is no additional element besides “qu”. Accordingly, the disputed domain name is confusingly similar to both the ZAOBAO and ZAOBAO.COM marks for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.11.1.

The Respondent argues that there is a clear distinction between “lianhezaobao” (联合早报) and “zaobao” (早报). However, the Panel notes that the Complainant’s standing in this proceeding is not based on its trademark rights in “联合早报”. The Respondent also argues that it is inappropriate for a sovereign State-supported media institution to interfere with the normal operations of independent news websites in other countries. However, as a trademark owner, the Complainant has standing to bring the Complaint.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the Respondent uses the disputed domain name in connection with a news website that reproduces and publishes content scraped from the Complainant’s news website and little else. The Complainant has never given permission to the Respondent to reproduce or publish this content. Moreover, the Respondent’s masthead features the dominant element of the Complainant’s masthead, *i.e.*, “联合早报”, some news articles cite the Complainant’s website as their source, some photographs display a watermark of the Complainant’s masthead, and some articles display a logo indicating that the website is the Chinese version of Lianhe Zaobao. This all gives the impression that the site is operated or affiliated with, the Complainant. However, there is no relationship between the Parties. This evidence indicates that the disputed domain name is not being used in connection with a bona fide offering of goods or services. See *Instagram, LLC v. Whois Privacy Corp / Name Redacted, Wiseway SIA*, WIPO Case No. [D2021-1877](#). More generally, prior UDRP panels have held that the use of a domain name for illegitimate activity (such as impersonation) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

The Registrar has verified that the Respondent’s name is “wei liao”, which does not resemble the disputed domain name. The evidence does not indicate that the Respondent’s website identifies him, whether as an individual, a business, or an organization, as “quzaobao”. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

The Respondent’s website displays banner advertising from which the Respondent presumably derives revenue. Accordingly, the Panel does not consider that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

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 notes that “zaobao” is a pinyin transliteration of the Chinese characters “早报” and provides evidence showing that these characters mean “morning news” or “morning paper”. The Respondent argues that “zaobao” is generic but also that it is culturally distinct from the concept of “morning news” in English. Either way, in the Panel’s view, the fact that the Respondent impersonates the Complainant while his website slavishly reproduces and publishes content from the Complainant’s website indicates that the incorporation of the ZAOBAO trademark in the disputed domain name is not intended to reflect a descriptive sense of “morning news” so much as to divert users searching for the Complainant’s website. The Respondent also argues that the disputed domain name as a whole means “fun (or interesting) morning news”, on the basis that “qu” is incorporated in the disputed domain name as a transliteration of the character “趣”. However, as far as the record shows, the Respondent’s website rarely refers to this combination of characters and then only at the end of certain page headers in which “趣早报” (quzaobao) is presented as a Chinese sub-site of the Complainant’s site, as follows: “联合早报首页 | 联合早报网_趣早报中文网”. The Respondent provides no explanation of this circumstance.

The Respondent argues that his website operates as an independent news platform, fundamentally different from the Complainant's newspaper in target audience, operational model, and content orientation. However, the evidence on record shows that the Respondent has slavishly reproduced news articles and images from the Complainant's website. The principal difference between the two platforms appears to be that the Respondent's site displays advertising which, given the other content of his site, does not avoid a likelihood of confusion. The Respondent asserts that he has clearly stated on its website the distinction between his site and the Complainant's site. However, the evidence shows that the Respondent's website operated under a different brand only for a brief period in early December 2024. The Respondent also submits that the website design and brand identity have been carefully planned to ensure users can clearly differentiate between the platforms. However, the dominant element of the Respondent's masthead is identical to that of the Complainant's masthead, creating a likelihood of confusion with the Complainant, its masthead mark, and its website.

Accordingly, the Respondent has not rebutted the Complainant's prima facie showing.

Based on the record, 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. The fourth of these circumstances is as follows:

“(iv) by using the [disputed] domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] web site or location.”

In the present case, the disputed domain name was registered on December 9, 2023, years after the registration of the Complainant's ZAOBAO and ZAOBAO.COM marks. The disputed domain name wholly incorporates both marks, adding only the element “qu”. The Complainant has made longstanding use of those marks, including on a website in Chinese directed at Internet users in mainland China, where the Respondent is based. Given that the Respondent impersonates the Complainant while his website slavishly reproduces content from the Complainant's website, the Panel finds that the Respondent registered the disputed domain name with the Complainant and its marks in mind.

The disputed domain name is used with a news website where the Respondent impersonates the Complainant and publishes content scraped from the Complainant's news website plus advertising. This use is for commercial gain. The disputed domain name is very similar to the domain name associated with the Complainant's website. Given the findings in Section 6.B above, the Panel finds that the circumstances of this case fall within the terms of paragraph 4(b)(iv) of the Policy.

The Respondent argues that a transfer of the disputed domain name will cause inconvenience to the users of his site. The Panel notes that traffic to the Respondent's website is considerable. However, the Respondent's readers can access the same content on the Complainant's website, without advertising. In any event, significant Internet traffic (and alleged potential consumer inconvenience) does nothing to mitigate the Panel's above findings that the Respondent has unfairly sought to take advantage of the Complainant's trademark to offer a website that slavishly reproduces and publishes content from the Complainant's website for the Respondent's own commercial benefit.

Therefore, the Panel finds that the Complainant has established the third element of the Policy.

D. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

The Respondent argues that the filing of the Complaint is an act of malice. The Panel does not consider that the Complaint was brought in bad faith. On the contrary, the Panel has upheld the Complaint.

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 <quzaobao.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: February 3, 2025