

## **ADMINISTRATIVE PANEL DECISION**

Hong Kong Sun Rise Trading Limited v. Wanglong Lu  
Case No. D2025-0042

### **1. The Parties**

The Complainant is Hong Kong Sun Rise Trading Limited, Hong Kong, China, represented by Abion AB, Sweden.

The Respondent is Wanglong Lu, China.

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

The disputed domain name <greenworktoolsale.com> is registered with Vantage of Convergence (Chengdu) Technology Co., Ltd. (the "Registrar").

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on January 7, 2025. On January 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 8, 2025, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 9, 2025, 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 amended Complaint in English on the same day.

On January 9, 2025, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On the same day, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 Respondent of the Complaint in Chinese and English, and the proceedings commenced on January 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 9, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on February 12, 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, headquartered in Hong Kong, China, is a corporation specializing in the wholesale distribution of industrial machinery and gardening equipment.

The Complainant owns numerous trademark registrations for GREENWORKS, including:

- The United States of America trademark  Registration No. 6890998, registered on November 1, 2022, in Classes 9, 11;
- The United States of America trademark GREENWORKS Registration No. 6890996, registered on November 1, 2022, in Classes 9, 11;
- The United States of America trademark  Registration No. 7243110, registered on December 12, 2023, in Class 7.

The Complainant owns domain name <greenworkstools.com>, registered on May 19, 2009, which has been resolving as the Complainant's official website.

The disputed domain name <greenworkstoolsale.com> was registered on November 19, 2024. Presently, the disputed domain name resolves to inactive website. According to the Complainant's evidence, the disputed domain name previously resolved to a website displaying the Complainant's  trademark and purportedly offering the Complainant's products with discounted prices.

#### 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:

- i) the disputed domain name reproduces the Complainant's GREENWORKS trademark and is confusingly similar to the GREENWORKS trademark;
- ii) the Complainant has not authorized the Respondent to use the GREENWORKS trademark for any reason or in any manner;
- iii) the Respondent has not been commonly known by the disputed domain name;
- iv) the Respondent had the Complainant and the GREENWORKS trademark in mind at the time of registering the disputed domain name; and

v) by resolving the disputed domain name to a copycat website of the Complainant's official website, the Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's GREENWORKS trademark 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 website.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 contains the English words "tool" and "sale" and the website associated with the disputed domain name contains text in English, which indicates that the Respondent is able to understand English; 2) using Chinese as language of the proceeding would unfairly disadvantage and burden the Complainant and delay the proceedings and adjudication of this matter; 3) English is commonly used internationally, and considering that both parties understand English, using English as language of the proceeding is equitable for both Parties and would promote efficiency of the case.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

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.

### **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.

Based on the available records, the Complainant has shown rights in respect of the GREENWORKS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The generic Top-Level Domain ("gTLD") ".com" as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy.

The entirety of the GREENWORKS trademark is reproduced within the disputed domain name. While the terms "tool" and "sale" are included, the GREENWORKS trademark remains clearly recognizable in the

disputed domain name. The Panel finds that the extra terms do not prevent a finding of confusing similarity between the disputed domain name and the GREENWORKS trademark. Accordingly, the disputed domain name is confusingly similar to the GREENWORKS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 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.

The information in the case files show that:

- the disputed domain name resolved to a website displaying the Complainant's **greenworks** trademark and purportedly offering the Complainant's products without any explanation of the relationship (or lack thereof) between the Parties. Such use of the disputed domain name indicates the Respondent's intention to divert Internet traffic to its own website through confusing the relationship between its own website and the Complainant, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use;
- there is no evidence proving that the Respondent has been commonly known by the disputed domain name;
- the nature of the disputed domain name, incorporating the Complainant's GREENWORKS trademark in its entirety with the terms “tool” and “sale” (closely relating to the Complainant's core business), carries a risk of implied affiliation with the Complainant; and
- no other factors demonstrate any rights or legitimate interests of the Respondent in 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 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 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 registration date of the Complainant's GREENWORKS trademark predates the registration date of the disputed domain name. The Respondent registered the disputed domain name that fully incorporates the Complainant's GREENWORKS trademark and the extra terms "tool" and "sale" which closely relate to the Complainant's core business (and the Complainant's primary domain name) and directed it to a website displaying the Complainant's **greenworks** trademark and purportedly offering the Complainant's products. The Panel determines that the Respondent had actual knowledge of the Complainant and the GREENWORKS trademark at the time of registering the disputed domain name, and bad faith is found.

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.

The disputed domain name is inactive at the moment but was once used to host a website that displayed the Complainant's **greenworks** trademark and purportedly offered the Complainant's products. The Panel holds that by selecting domain name confusingly similar to the Complainant's GREENWORKS trademark, and using it in the manner as described, the Respondent obviously intended to attract, for commercial gain, Internet users to the disputed domain name and the associated website by creating a likelihood of confusion with the Complainant's GREENWORKS trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. The current non-use of the disputed domain name does not change the Panel's finding of the Respondent's bad faith.

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 <greenworkstoolsale.com> be transferred to the Complainant.

*/Linda Chang/*

**Linda Chang**

Sole Panelist

Date: February 26, 2025