

## **ADMINISTRATIVE PANEL DECISION**

Hong Kong Sun Rise Trading Limited v. Xiulan Chen  
Case No. D2025-0065

### **1. The Parties**

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

The Respondent is Xiulan Chen, China.

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

The disputed domain name <greenworks-us.com> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 8, 2025. On January 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 9, 2025, 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 sent an email communication to the Complainant on January 10, 2025, providing the registrant and contact information disclosed by the Registrar, for its information.

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 of the Complaint, 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 4, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on February 16, 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 Canada trademark GREENWORKS Registration No. TMA848508, registered on April 15, 2013, in Classes 7, and 8;
- The Canada trademark GREENWORKS Registration No. TMA1092231, registered on January 22, 2021, in Class 7, 9, 11, 12, 17, 21, and 35;
- The Brazil trademark  Registration No. 919541160, registered on December 8, 2020, in Class 35.

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

The disputed domain name <greenworks-us.com> was registered on May 17, 2022, and resolves to a website displaying the Complainant's  trademark and purportedly offering the Complainant's products.

#### 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 and has never acquired any trademark or service mark rights in the disputed domain name;
- iv) the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services, or a legitimate noncommercial or fair use;
- v) the Respondent had the Complainant and the GREENWORKS trademark in mind at the time of registering the disputed domain name;
- vi) by resolving the disputed domain name to a copycat website of the Complainant's official website, the Respondent intentionally attempted to take advantage of the reputation of the Complainant's trademark and mislead potential consumers by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship and affiliation.

## B. Respondent

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

## 6. Discussion and Findings

### 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") suffix ".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 hyphen "-" and the term "us" are included, the GREENWORKS trademark remains clearly recognizable in the disputed domain name. The Panel finds that hyphen and the extra term 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 file shows that:

- the disputed domain name resolves to a website displaying the Complainant's **greenworks** trademark and purportedly offering the Complainant's products. Such use of the disputed domain name indicates the Respondent's intention to divert Internet traffic to its own website by confusing the relationship between its own website and the Complainant's website, which cannot be deemed as a bona fide offering of goods or services or a legitimate noncommercial or fair use; and
- there is no evidence proving that the Respondent has been commonly known by the disputed domain name; and

- the nature of the disputed domain name, incorporating the Complainant's GREENWORKS trademark in its entirety with the term "us" (possible abbreviation of "the United States of America", where the Complainant has business), carries a risk of implied affiliation with the Complainant; and
- no other factors demonstrate 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 term "us" which could indicate the abbreviation of the United States of America where the Complainant has Business. Further, the disputed domain name directs 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 Respondent selected the disputed domain name, which is confusingly similar to the Complainant's GREENWORKS trademark, and uses it in the manner described above. The Panel holds that the Respondent obviously intended to attract, for commercial gain, Internet users to the website associated with the disputed domain name 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 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 <greenworks-us.com> be transferred to the Complainant.

*/Linda Chang/*

**Linda Chang**

Sole Panelist

Date: March 7, 2025