

ADMINISTRATIVE PANEL DECISION

Blancpain SA v. Tan Zhi Zhong (谭治中)

Case No. D2025-0506

1. The Parties

The Complainant is Blancpain SA, Switzerland, internally represented.

The Respondent is Tan Zhi Zhong (谭治中), China.

2. The Domain Name and Registrar

The disputed domain name <blancpain-watch.com> is registered with eName Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 7, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 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 February 18, 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 February 18, 2025, the Complainant confirmed its request that English 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 English and Chinese, and the proceedings commenced on February 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 14, 2025.

The Center appointed Francine Tan as the sole panelist in this matter on March 18, 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 states that it is known as one of the world's oldest watch brands. Founded in 1735, the Complainant has been using its BLANCPAIN trade mark continuously in commerce since then, and has gained both common law and registered trade mark rights in the BLANCPAIN trade mark. Today, the Complainant is well known worldwide and operates numerous boutiques across the world, including in the United States of America ("U.S."), China, and Japan.

The Complainant's parent company, The Swatch Group Ltd, is a publicly-traded company and is listed on various stock exchanges. It holds other globally famous brands such as Harry Winston, Breguet, Longines, Tissot, Rado, and Swatch.

The Complainant owns various trade mark registrations for BLANCPAIN worldwide, including the following:

- International trade mark registration No. 190558, registered on February 8, 1956;
- U.S. trade mark registration No. 1727428, registered on October 27, 1992;
- China trade mark registration No. G654362, registered on March 12, 1996;
- China trade mark registration No. G1145182, registered on November 5, 2012; and
- Japan trade mark registration No. 719445, registered on September 12, 1966.

The Complainant's domain name <blancpain.com> is used for its website, which is used to promote the BLANCPAIN brand and its products and services. It was registered on September 15, 1999, and <blancpainwatch.com> was registered on June 23, 2003.

The disputed domain name was registered on January 6, 2025, and at the time of filing the Complaint, resolved to an inactive webpage.

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 name is confusingly similar to the Complainant's BLANCPAIN trade mark. The disputed domain name consists of the Complainant's BLANCPAIN trade mark and the term "watch". Further, the addition of a hyphen does not serve to distinguish the disputed domain name from the Complainant's BLANCPAIN mark.

- The Respondent has no rights or legitimate interests in respect of the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent is not related to the Complainant or its business activities in any way. The Complainant has not licensed or authorised the Respondent to use its trade marks, or to register the disputed domain name. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. It is also not possible to conceive any legitimate use of such a specific and confusingly similar domain name which clearly targets the Complainant.
- The disputed domain name was registered and is being used in bad faith. The disputed domain name consists of the Complainant's BLANCPAIN trade mark and company name in its entirety. By registering the disputed domain name, the Respondent is creating confusion and giving potential visitors to the Respondent's website the impression that the website is the Complainant's official website, or is sponsored, affiliated, or otherwise endorsed by the Complainant. The Respondent also seeks to divert Internet users seeking the Complainant's official website, thereby disrupting the Complainant's business.

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 these reasons:

- It would not be fair and equitable to require the Complainant to go through the unnecessary time and expense of translating their pleadings into another language in view of the clearly intentional misuse by the Respondent of the Complainant's world famous trade mark; and
- The disputed domain name incorporates the English word "watch", which shows that the Respondent is able to communicate in English.

The Respondent did not make any 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).

The Panel is persuaded that the Respondent more likely than not is familiar with the English language, taking into consideration the composition of the disputed domain name. The Respondent could have raised an objection if it wanted to but did not. The Respondent could have requested to file its Response in Chinese if he wanted to but did not. Under the circumstances, to require the Complainant to incur the costs of translating the Complaint into Chinese does not appear to be merited.

Having considered all the surrounding factors of this case, 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 trade mark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced and recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the term, "-watch", does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's 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.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain name. The Complainant's date of first use and registration of its BLANCPAIN trade mark long predates the registration of the disputed domain name. Furthermore, the Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant, as the term "watch" refers to the Complainant's business. [WIPO Overview 3.0](#), section 2.5.1.

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.

The Panel notes that the disputed domain name is almost identical to the Complainant's domain name <blancpainwatch.com>, and is persuaded that this is an obvious case of cybersquatting. The level of reputation and fame of the Complainant's BLANCPAIN trade mark is of such nature as to negate all reasonable plausibility of good faith registration and use of the disputed domain name. The disputed domain name incorporates the entirety of the Complainant's distinctive and well-known trade mark. As is stated in [WIPO Overview 3.0](#), section 3.1.4:

"Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith."

The non-use of the disputed domain name in this case does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. The Panel has considered the following in arriving at its decision, notwithstanding the non-use of the disputed domain name, that the registration and use of the disputed domain name have been in bad faith, namely: (i) the degree of distinctiveness and reputation of the Complainant's mark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; and (iii) the implausibility of any good faith use to which the disputed domain name may be put taking into account the composition of the disputed domain name.

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 <blancpain-watch.com> be transferred to the Complainant.

/Francine Tan/

Francine Tan

Sole Panelist

Date: April 1, 2025