

ADMINISTRATIVE PANEL DECISION

Exclusive Books Group (Proprietary) Limited v. li hua feng, shen zhen shi qi
hua wang lu ke ji you xian gong si
Case No. D2025-0651

1. The Parties

The Complainant is Exclusive Books Group (Proprietary) Limited, South Africa, represented by Moore Attorneys Incorporated, South Africa.

The Respondent is li hua feng, shen zhen shi qi hua wang lu ke ji you xian gong si, United States of America.

2. The Domain Name and Registrar

The disputed domain name <exclusivebookscoza.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 19, 2025. On February 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 20, 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, unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 amendment to the Complaint on February 26, 2025.

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 March 3, 2025. In accordance with the Rules, paragraph 5,

the due date for Response was March 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default March 25, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on April 1, 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 was founded in 1951 and operates one of the largest bookselling chains in South Africa, including further stores in Botswana and Namibia. It also operates an online store and has an active presence on various social media platforms.

The Complainant is the registered owner of the EXCLUSIVE BOOKS trademark. It is, among several others, the registered owner of the South African Trademark Registration No. 1993/10512, registered on January 8, 1996, for EXCLUSIVE BOOKS, covering various products as protected in class 16.

The Complainant further operates its main website at "www.exclusivebooks.co.za", which has been registered since 1997. The Complainant also owns <exclusivebooks.com> which redirects to "www.exclusivebooks.co.za".

The Respondent is reportedly located in the United States of America, whereas its true identity remains unclear due to seemingly false contact information.

The disputed domain name was registered on October 29, 2024.

According to the evidence provided by the Complainant, the disputed domain name did not resolve to an active website prior to the filing of the Complaint. At the date of the Decision, the disputed domain name resolves to an apparently fake web shop for books pretending to be operated by an Australian book selling chain.

Prior to the initiation of the administrative proceeding, the Complainant sent a letter to the Registrar for the attention of the Respondent, asking the Respondent to transfer the disputed domain name to the Complainant, but received no reaction from the Respondent.

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

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

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 the EXCLUSIVE BOOKS trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the EXCLUSIVE BOOKS mark is reproduced 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.

Although the addition of other letters, here "coza", may bear on assessment of the second and third elements, the Panel finds the addition of such letters, which may be seen as the ".co.za" (the Second-Level Domain under ".za" (the country code Top-Level Domain of South Africa)), does not prevent a finding of confusing similarity between the disputed domain name and the EXCLUSIVE BOOKS 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. Particularly, the Complainant put forward that the Respondent is neither a business partner of the Complainant nor a licensee of its EXCLUSIVE BOOKS trademark and that the Respondent is not commonly known by the terms “exclsuivebookscoza” or any other similar terms. 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.

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.

In the present case, the Panel notes that the Respondent most likely had the Complainant and its EXCLUSIVE BOOKS trademark in mind when registering the disputed domain name, particularly considering the composition of the disputed domain name, which not only comprises the Complainant’s EXCLUSIVE BOOKS in its entirety, but also the letters “coza”, which in view of the Panel creates a confusing similarity with the “.co.za” Top-Level Domain as used by the Complainant for its official website at “www.exclusivebooks.co.za”. Therefore, the Panel finds that the Respondent has most likely chosen the disputed domain name to target the Complainant.

As regards bad faith use, the Panel notes that the disputed domain name was apparently not actively used until the Complaint was filed. The Panel considers the reputation of the Complainant’s trademark, the composition of the disputed domain name, which incorporates the Complainant’s trademark and mimics the Complainant’s domain name <exclusivebooks.co.za>, and the lack of response from the Respondent, and finds that the non-use of the disputed domain name does not prevent a finding of bad faith in this case. [WIPO Overview 3.0](#), section 3.3.

Moreover, the Panel also notes that at the time of the decision, the disputed domain name is linked to an apparently fake web shop for books pretending to be operated by an Australian book selling chain. In view of the Panel, such change is further evidence of the Respondent’s bad faith. By using the disputed domain name, the Respondent now intentionally tries to attract, for illegitimate commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its EXCLUSIVE BOOKS trademark as to the source, sponsorship, affiliation or endorsement of the Respondent’s website.

The Respondent further appears to have furnished false contact details for the purpose of registration of the disputed domain name, as the Written Notice of the proceeding was unable to be delivered to the Respondent by the courier service, which additionally supports a finding of bad faith.

Having reviewed the record, the Panel concludes that the disputed domain name was registered and is used in bad faith under 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 <exclusivebookscoza.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: April 15, 2025