

## **ADMINISTRATIVE PANEL DECISION**

QMT Associates, Inc. v. guoxing  
Case No. D2025-0917

### **1. The Parties**

The Complainant is QMT Associates, Inc., United States of America ("US"), represented by Bodman LLP, United States of America.

The Respondent is guoxing, China.

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

The disputed domain name <thecorinthianbells.com> is registered with Realtime Register B.V. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 5, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 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 (Withheld for Privacy Purposes) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 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 on March 8, 2025.

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, and the proceedings commenced on March 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 3, 2025.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on April 10, 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 Manassas Park, Virginia, US, is one of the leading US wholesale wind chime production companies. As can be seen from the printout exhibited as Annex 4 to the Complaint, it handcrafts more than 1000 chimes daily. For over thirty years it has produced unique, high quality, hand-crafted wind chimes. It has invested significant resources to establish a trading goodwill with consumers and also to develop a reputation for excellent quality as can be seen from the printout at exhibit Annex 5 to the Complaint. Its wind chime "Coronation Bells" is described as its "most popular" wind chime product.

The Complainant is the registered owner of US trade mark No. 2,960,975, CORINTHIAN BELLS, in primary class 21 (which includes Wind Chimes) and classes 2,13, 23,29,30,33 and 50, registered on June 7, 2005. This is evidenced by an extract from the USPTO exhibited at Complaint Annex 6 to the Complaint.

The Complainant is also the owner of International Trade Mark Registration No. 1089541 designated to Australia, CORINTHIAN BELLS, registered in respect of Wind Chimes on February 9, 2011. An extract from the WIPO data base evidencing the registration is exhibited at Annex 8 to the Complaint.

It should be noted that both the trade mark registrations relied upon predate registration of the disputed domain name on October 17, 2024.

The Complainant submits that the mark CORINTHIAN BELLS is distinctive and symbolizes the Complainant's goodwill. As a result of advertising wind chimes under that mark, over a long period of time, the mark has become well-known for high-quality, hand-crafted wind chimes and achieved commercial recognition.

The Complainant also relies upon its domain name registration for <corinthianbells.com>, a copy of the Whois search result evidencing this, is exhibited at Annex 9 to the Complaint.

Relatively little is known about the Respondent other than it has an address in China and that it uses the disputed domain name <thecorinthianbells.com> on a website which, according to the Complainant, imitates its own website by using the Complainant's mark CORINTHIAN BELLS and its images the copyright in which belongs to the Complainant. The Respondent's website is exhibited at Annex 10 from which it can be seen that it utilizes the disputed domain name in its entirety at the top of first page as exhibited.

On February 6, 2025, Messrs. Bodman, US lawyers for the Complainant, sent by email a cease-and-desist letter, Annex 11 to the Complaint, to the Respondent at the email address <[...]@thecorinthianbells.com> as shown on the Respondent's website. The email immediately bounced back.

It then sent a further cease and desist letter to the Respondent's identified host provider, SG Hosting Inc. ("Site Ground"). In response the Respondent, as can be seen from Annexes 13-14 to the Complaint, promptly used Cloudflare's pass-through network servers to relocate to a different hosting provider, OVH SAS.

The Respondent then, after relocating to a new hosting provider, listed the disputed domain name for sale at a price of USD 1,200. This is evidenced at Annex 15 to the Complaint. The Respondent refers to itself as seller but merely states that it is "in China".

In the absence of evidence to the contrary adduced by the Respondent the Panel finds the evidence adduced by the Complainant to be true.

## **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 is confusingly similar to the Complainant's registered trade marks CORINTHIAN BELLS;
- ii. on the evidence adduced by the Complainant the Respondent has no rights or legitimate interests in the disputed domain name; and
- iii. the evidence of registration and use of the disputed domain name shows that it was registered and is being used in bad faith.

### **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 trade mark and the disputed domain name. 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the 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.

The Panel takes into account that apart from the gTLD ".com" the only difference between the Complainant's trade marks CORINTHIAN BELLS and the disputed domain name is the use of the definite article "the" as a prefix in the disputed domain name.

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.

The Panel finds that there is no evidence that the Respondent is using the disputed domain name with a bona fide offering, that it is not commonly known by the disputed domain name. To the contrary the evidence at Annex 10 to the Complaint shows that the Respondent is using the disputed domain name for offering for sale counterfeit wind chimes whilst using the Complainant's mark CORINTHIAN BELLS together with the disputed domain name. Panels have held that the use of a domain name for such illegal or unlawful activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel finds that the evidence of the Respondent's activities set out in section 4 above constitutes evidence of registration and use in bad faith. The fact that the Respondent has, as evidenced at Annex 10 to the Complaint, registered a website, utilizing the Complainant's trade mark CORINTHIAN BELLS, under the name of the disputed domain name purporting to offer for sale wind chimes identical to those of the Complainant is evidence of bad faith within [WIPO Overview 3.0](#), section 3.1 (iv).

By using the domain name in this way, the Respondent has intentionally attempted to attract for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website within paragraph 4(b)(iv) of the Policy.

The Panel also takes into account the fact that the Respondent failed to respond to the Complainant's cease and desist emails other than by subsequently offering for sale the disputed domain name at a price of USD 1200. In the Panel's view this supports a finding of 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 <thecorinthianbells.com> be transferred to the Complainant.

*/Clive Duncan Thorne/*

**Clive Duncan Thorne**

Sole Panelist

Date: April 17, 2025