

## ADMINISTRATIVE PANEL DECISION

VUSIONGROUP v. 北京水之碟文化发展有限公司 (bei jing shui zhi die wen hua fa zhan you xian gong si)

Case No. D2025-0945

### 1. The Parties

The Complainant is VUSIONGROUP, France, represented by Domgate, France.

The Respondent is 北京水之碟文化发展有限公司 (bei jing shui zhi die wen hua fa zhan you xian gong si), China.

### 2. The Domain Name and Registrar

The disputed domain name <vusion.top> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 7, 2025. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 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 March 25, 2025.

On March 13, 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 March 25, 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 in English and Chinese of the Complaint, and the proceedings commenced on March 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 16, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on April 22, 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, formerly named "SES-imagotag", provides digital solutions, such as electronic price tags, for physical retail. Since 2017, its largest shareholder has been BOE Technology Group Co., Ltd., of China. In 2018, the Complainant launched its "Vusion" cloud-based retail Internet of Things ("IoT") platform. BOE Technology Group Co., Ltd. unveiled its strategic plan titled "Vusion 2022" at the Viva Tech trade fair in Paris in May 2018, which was reported in international media, including in China. The Complainant has signed contracts to deploy the Vusion platform in many retail stores around the world, including a contract with WalMart announced on April 27, 2023. The Complainant holds multiple trademark registrations, including the following:

- International trademark registration number 1420807 for a semi-figurative VUSION mark, registered on March 13, 2018, designating multiple jurisdictions, including China, specifying goods and services in classes 6, 9, 20, 35, and 42; and
- International trademark registration number 1426878 for a semi-figurative VUSION mark, registered on April 26, 2018, designating multiple jurisdictions, including China, specifying goods and services in classes 6, 9, 20, 35, and 42.

The above trademark registrations are current. The Complainant adopted its current company name in 2024. The Complainant has also registered "vusion" in multiple domain names, including <vusion.com>, that it uses in connection with a website where it provides information about itself and its Vusion platform.

The Respondent is a Chinese company whose name is "Bei Jing Shui Zhi Die Wen Hua Fa Zhan You Xian Gong Si" in Chinese Pinyin, and may be translated as "Beijing Water Disc Culture Development Co., Ltd."

The disputed domain name was registered on December 17, 2024. It does not resolve to any active website; rather, it is passively held.

The Complainant attempted to contact the Respondent via the Registrar's online contact form on December 20, 2024, January 6, 2025, and January 24, 2025. The Complainant also sent a cease-and-desist letter to the Registrar for forwarding to the Respondent on January 24, 2025. The Registrar replied on February 13, 2025, requesting a screenshot or video.

#### **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 identical to its VUSION trademark and domain names, and highly similar to its VusionGroup company name.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never licensed or otherwise authorized the Respondent to use the VUSION trademark as a domain name.

The disputed domain name was registered and is being used in bad faith. The main shareholder of the Complainant is a Chinese group. The disputed domain name was registered only 5 days before the official announcement of the new contract with WalMart. The Respondent is concealing its identity through use of a privacy service and did not reply to the Complainant's cease-and-desist letter. The Respondent clearly registered the disputed domain name in order to make money from it or disrupt the Complainant's business and its non-use is in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including that the disputed domain name is in Latin characters, not Chinese characters; the Complainant has no knowledge of Chinese; and requiring a translation of the Complaint would impose an unreasonable cost on the Complainant and cause undue delay.

Despite the Center having sent, in both English and Chinese, an email regarding the language of the Registration Agreement, and the notification of the Complaint which included instructions on the language of the proceeding, the Respondent did not make any submission with respect to the language of the proceeding or indicate any interest in otherwise participating in this 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. The Panel would have accepted a Response in Chinese, but none was filed.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

The burden of proof of each element is borne by the Complainant.

#### **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. See [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the VUSION mark is reproduced within the disputed domain name. The only additional element is a generic Top-Level Domain ("gTLD") extension (".top") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name is passively held. The Complainant submits that it has never licensed or otherwise authorized the Respondent to use the VUSION trademark as a domain name. These circumstances do not indicate that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services, nor that it is making a legitimate noncommercial fair use of the disputed domain name.

Further, the Registrar has verified that the Respondent's name is "北京水之碟文化发展有限公司 (bei jing shui zhi die wen hua fa zhan you xian gong si)", which may be translated as "Beijing Water Disc Culture Development Co. Ltd." Neither of these names resembles the disputed domain name. Nothing in the record indicates that the Respondent has been commonly known by 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.

Based on the record, 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 sets out a series of circumstances that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, but these are not an exhaustive list of such circumstances.

In the present case, the disputed domain name was registered in 2024, years after the registration of the Complainant's VUSION trademark, including in China, where the Respondent is based. VUSION is a coined term. Nothing on the record of this proceeding indicates that it has any meaning other than as a reference to the Complainant's company name and retail platform. The disputed domain name is identical to that mark, and is almost identical to the Complainant's domain name <vusion.com>. The mark and the platform have been reported in the press, including in China. Moreover, since 2017, the Complainant's largest shareholder has been a Chinese company, BOE Technology Group Co., Ltd. The Respondent provides no explanation for its choice to register the disputed domain name. Based on this record, the Panel has reason to find on the balance of probabilities that the Respondent likely had the VUSION mark in mind when it registered the disputed domain name.

As regards use, the disputed domain name is passively held. Prior UDRP panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's VUSION trademark, which is a coined term, the reputation of the mark, including in China, where the Respondent is based; and the fact that the disputed domain name is identical to the mark and is almost identical to the Complainant's domain name <vusion.com>. Accordingly, the Panel finds on balance that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, 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 <vusion.top> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: May 5, 2025