

ADMINISTRATIVE PANEL DECISION

SNA Holding Inc. v. 郭清兵 (Guo Qing Bing)
Case No. D2025-1320

1. The Parties

The Complainant is SNA Holding Inc., United States of America ("USA"), represented by Nameshield, France.

The Respondent is 郭清兵 (Guo Qing Bing), China.

2. The Domain Name and Registrar

The disputed domain name <squaredofficial.com> is registered with DNSPod, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 1, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 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 (DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 10, 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 April 11, 2025.

On April 10, 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 April 11, 2025, the Complainant requested English to 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 Chinese and English of the Complaint, and the proceedings commenced on April 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 5, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on May 9, 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.

On May 15, 2025, the Panel issued Administrative Panel Procedural Order No. 1 ("Panel Order"), noting that the Complainant had indicated an incorrect registrar in its Complaint and amended Complaint, and requesting the Complainant to resubmit its amended Complaint containing the name of the correct Registrar. The Panel also provided the Respondent with five days to submit any comments on this, meaning that the due dates for the Parties were May 20, 2025 and May 25, 2025, respectively.

On May 26, 2025, the Complainant submitted a further amended Complaint, identifying the correct Registrar but making no other substantive changes. The Respondent did not file any comments or response.

The Center notes that the amended Complaint in response to the Panel Order was submitted after the prescribed deadline provided to the Complainant. In the interest of procedural efficiency, the Panel has decided to accept the correction concerning the Registrar and will proceed to consider the case.

4. Factual Background

The Complainant, which was founded in 1902, is an American manufacturer of electrical equipment headquartered in Andover, Massachusetts, USA. The Complainant is a flagship brand of Schneider Electric, which acquired the Complainant in 1991.

The Complainant owns a trademark portfolio for the SQUARE D mark, including, but not limited to the following trademark registration: USA Trademark Registration number 279120 for the SQUARE D mark, registered since January 6, 1931.

The disputed domain name <squaredofficial.com> was registered on September 26, 2024 and directs to an active website prominently displaying the Complainant's SQUARE D trademarks and presenting itself as an official website hosted by the Complainant and offering for sale purported SQUARE D-branded products to Internet users.

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 its trademarks as it contains the SQUARE D mark in its entirety and merely combines it with the descriptive word "official". The Complainant further contends that the Respondent is in no way connected to, or licensed by the Complainant, that there are no licenses or other justifications for the use of the Complainant's trademarks in the disputed domain name. The Complainant contends that the disputed domain name directs to a website claiming to be the Complainant and offering for sale goods bearing the trademark SQUARE D. The Complainant essentially argues that registering a domain name that includes a registered trademark in order to use it to offer the products or services of competitors is not considered a legitimate use. Additionally, the Complainant argues that the Respondent's intentional use of the disputed domain name in an attempt to attract, for commercial gain, Internet users to the Respondent's website on which the Respondent is purporting to offer products which are manufactured by the Complainant and competitors, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement

of the Respondent's website and the competing goods, constitutes an abuse of the disputed domain name and the Complainant's goodwill and reputation, and therefore constitutes use in bad faith of the disputed domain name.

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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the English language is the language most widely used in international relations and is one of the working languages of the Center; the disputed domain name is formed by the trademark SQUARE D and the English word "official"; the website related with the disputed domain name directed to an English website; in order to proceed in Chinese, the Complainant would have had to retain specialized translation services at a cost very likely to be higher than the overall cost of these proceedings. The Complainant adds that the use of Chinese in this case would therefore allegedly impose a burden on the Complainant which must be deemed significant in view of the low cost of these proceedings.

The Respondent did not make any specific 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).

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.

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 trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark 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.

Although the addition of other terms here, “official”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the 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.

Panels applying the Policy have consistently held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Additionally, the Panel also finds that the nature of the disputed domain name, being confusingly similar to the Complainant’s trademarks and consisting only of the Complainant’s trademark combined with the descriptive word “official”, carries a risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant (see [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.

In the present case, the Panel notes that the Respondent has registered a domain name which is confusingly similar to the Complainant’s longstanding, intensely used and distinctive trademark. The Panel finds that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant’s prior trademarks for SQUARE D. This finding is incidentally further confirmed by the fact that the Respondent apparently attempted to misrepresent itself as the Complainant or as connected to the SQUARE D brands and products through its use of the website at the disputed domain name. The Panel finds that this creates a presumption of bad faith. The Panel also notes that the Complainant’s trademarks in this case predate the registration date of the disputed domain name by many decades, and that the Respondent could not have been reasonably unaware of them. Furthermore, the Panel notes that even a cursory Internet search at the time of registration of the disputed domain name would have made it clear to

the Respondent that the Complainant owned prior rights in its trademarks for SQUARE D. In the Panel's view, the above elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed 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 this regard, panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, constitutes use in bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <squaredofficial.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: June 4, 2025