

## ADMINISTRATIVE PANEL DECISION

Harry Winston SA, Harry Winston Inc. v. asd asd, bett ly, datagoplugs  
Case No. D2025-1410

### 1. The Parties

Complainants are Harry Winston Inc., United States of America ("USA") ("First Complainant"), and Harry Winston SA, Switzerland ("Second Complainant"), represented by The Swatch Group Ltd., Switzerland.

Respondents are asd asd, China, and bett ly, datagoplugs, Hong Kong, China.

### 2. The Domain Names and Registrar

The disputed domain names <harrywin.com>, <harywinstion.cc>, <harywinstion.com>, <harywinstons.cc> and <harywinstons.shop> are registered with Gname.com Pte. Ltd. (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on April 7, 2025. On April 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 8, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Redacted for privacy) and contact information in the Complaint.

On April 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 April 16, 2025, the Complainants requested English to be the language of the proceeding. Respondents did not submit any comment on the Complainants' submission.

The Center sent an email communication to the Complainants on April 13, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainants to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainants filed an amended Complaint in English April 16, 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 Respondents in English and Chinese of the Complaint, and the proceedings commenced on April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. Respondents did not submit any response. Accordingly, the Center notified Respondents’ default on May 16, 2025.

The Center appointed Yijun Tian as the sole panelist in this matter on May 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**

##### **A. Complainants**

First Complainant, Harry Winston, Inc., is a company incorporated in the USA. Founded in 1932, it is internationally known as the “King of Diamonds.” Its flagship salon has operated at 718 Fifth Avenue, New York, since 1960. Second Complainant, Harry Winston SA, is a company incorporated in Switzerland. It was established in 2013 by The Swatch Group Ltd., a leading global watch manufacturer. Both Complainants are now subsidiaries of The Swatch Group (together, the “Complainants”). Complainants operate globally, including in the USA, China, Japan, and Europe (Exhibit D.12 to the Complaint).

Complainants have rights in the HARRY WINSTON related marks. Complainants are the owners of numerous HARRY WINSTON trademarks worldwide, including the USA trademark registration for HARRY WINSTON, registered on December 18, 2007 (registration number: 3355622); the Chinese trademark registration for HARRY WINSTON, registered on August 14, 2015 (registration number: 6380734); and the International trademark registration for HARRY WINSTON, registered on August 7, 2013 (registration number: 1178434) (Exhibit E to the Complaint). HARRY WINSTON mark is globally recognized and has been upheld in prior UDRP case (Exhibit F to the Complaint).

##### **B. Respondents**

Respondents are asd asd, China, and bett ly, datagoplugs, Hong Kong, China.

The disputed domain names <harrywin.com>, <harywinstons.cc> and <harywinstons.shop> were all registered by asd asd, located in Shanghai, China, on December 12, 2024.

The disputed domain names <harywinstion.cc> and <harywinstion.com> were both registered by bett ly, datagoplugs, located in Hong Kong, China, on March 27, 2025.

According to the Complaint, the supporting evidence submitted by the Complainants, and a screen capture provided by the Center, the disputed domain name <harrywin.com> resolves to a webpage displaying a warning message stating: “Suspected Phishing...This website has been reported for potential phishing.” The disputed domain names <harywinstons.cc>, <harywinstons.shop>, <harywinstion.cc>, and <harywinstion.com> all resolve to websites purporting to offer for sale products under Complainants’ HARRY WINSTON brand.

## **5. Parties' Contentions**

### **A. Complainants**

Complainants contend that the disputed domain names are, on their face, identical to Complainants' registered HARRY WINSTON marks. Each of the disputed domain names incorporates the HARRY WINSTON trademark entirely, with no distinguishing elements—only arbitrary additions or omissions of letters. These minor typographical variations, such as letter omissions or substitutions, are insufficient to avoid a finding of confusing similarity.

Complainants contend that Respondents have no rights or legitimate interests in the disputed domain names.

Complainants contend that the disputed domain names were registered and are being used in bad faith.

Complainants request that the disputed domain names be transferred to them.

### **B. Respondents**

Respondents did not reply to Complainants' contentions.

## **6. Discussion and Findings**

### **6.1. Procedural Issues – Language of the Proceeding**

The language of the Registration Agreement for all disputed domain names 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.

From the evidence presented on the record, no agreement appears to have been entered into between Complainants and Respondents to the effect that the language of the proceeding should be English. Complainant initially filed its Complaint in English, and has requested that English be the language of the proceeding for the following reasons:

- (a) Requiring translation would impose unnecessary cost and delay, particularly given Respondents' deliberate misuse of Complainants' well-known trademarks.
- (b) Similar requests have been granted in comparable cases.
- (c) Respondents have linked the disputed domain names to English-language websites, indicating sufficient proficiency in English.

Respondents 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).

On the record, Respondent, asd asd, appears to be located in China, and Respondent, bett ly, datagoplugs, appears to be located in Hong Kong, China. While it may be presumed that the Respondents are native Chinese speakers and not fluent in English, the Panel has determined that the language of the proceeding

shall be English, in light of the following considerations: (a) the disputed domain names are registered in Latin characters, particularly containing English terms (e.g., “shop”, “harry” or misspelling “harry (hary)”, and “winston” or misspelling “winston (winston)”), rather than Chinese script; (b) the generic Top-Level Domain (“gTLD”) or the country code Top-Level Domain of the disputed domain names are “.com”, “.cc”, or “.shop”, so the disputed domains names seem to be prepared for users worldwide, particularly English speaking countries; (c) the webpages, which the disputed domain names resolved to, were in the English language; (d) the Center has notified Respondents of the language of the proceeding in both Chinese and English, and Respondents have indicated no objection to Complainants’ request that English be the language of the proceeding; and (e) the Center also notified Respondents in both Chinese and English of the Complaint, and informed Respondents that it would accept a response in either English or Chinese, but Respondents chose not to file any response.

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. Procedural Issues – Consolidation of Complainants**

Complainants have convinced the Panel that First Complainant and Second Complainant are related companies that share a common grievance and legal interests in the HARRY WINSTON trademark, and their commercial rights are both targeted by the Respondents’ conduct of registering and using the disputed domain names.

Accordingly, the Panel determines that it would be equitable and procedurally efficient to permit the Complainants’ request for consolidation in this administrative proceeding (the First Complainant and the Second Complainant are hereinafter collectively referred to as “Complainant”). See [WIPO Overview 3.0](#), section 4.11.1.

## **6.3. Procedural Issues – Consolidation of Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel finds that Complainant has provided sufficient evidence to establish that the disputed domain names or corresponding websites are subject to common control, for the following reasons:

- (a) Four out of five disputed domain names resolve to websites with essentially identical content, design, layout, and user interface (see Exhibit G.1 to G.9 to the Complaint), strongly indicating that they are operated by the same individual or a coordinated group under common control.
- (b) All disputed domain names were registered through the same Registrar, Gname.com Pte. Ltd. (see Exhibit B.1 and B.5 to the Complaint), further supporting a finding of unified ownership or administrative control.

(c) The registration dates are clustered within a short period, with three disputed domain names registered on the same day (see Exhibit B.1 and B.5 to the Complaint), pointing to a coordinated registration effort rather than unrelated actions by different parties.

(d) Each disputed domain name incorporates the well-known HARRY WINSTON trademark, with only minor variations such as arbitrary additions or omissions of letters. This uniform naming pattern reflects an intentional strategy to target Complainant's trademark and mislead users.

(e) The Whois data lists the registrant's name as "asd asd" and the address as "asdsadasdsad," which are clearly falsified and devoid of any legitimate identifying information. This further supports a finding of bad faith and common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "Respondent") in a single proceeding.

#### **6.4. Substantive Issues: Three Elements**

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

Based on the available record, the Panel finds 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 Panel finds the HARRY WINSTON mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the disputed domain names <harrywin.com>, <harywinstons.cc>, <harywinstons.shop>, <harywinston.cc>, and <harywinston.com> integrate Complainant's HARRY WINSTON mark entirely, with only minor modifications like omitting "r" or "ston", adding "s" or "i", alongside ".com", ".cc" or ".shop".

These alternations do not prevent confusing similarity in view of section 1.7 of the [WIPO Overview 3.0](#). As all disputed domain names contain a misspelling of Complainant's HARRY WINSTON mark, the Panel finds the disputed domain names must be considered a prototypical example of typosquatting. Section 1.9 of the [WIPO Overview 3.0](#) states: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element."

Based on the available record, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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 record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain names. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names, such as those enumerated in the Policy or otherwise.

More specifically:

(i) there has been no evidence adduced to show that Respondent is using the disputed domain names in connection with a bona fide offering of goods or services. Respondent has not provided evidence of reasons to justify the choice of the misspelling terms "Harry Winston", the misspelling of Complainant's HARRY WINSTON trademark, in the disputed domain names. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the HARRY WINSTON or to apply for or use any domain name incorporating the HARRY WINSTON marks;

(ii) there has been no evidence adduced to show that Respondent has been commonly known by the disputed domain names. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain names. Respondent registered the disputed domain names in 2024 or 2025, long after the HARRY WINSTON marks (registered as a trademark in the USA since 2007 and in China since 2015) became widely known. The disputed domain names are confusingly similar to the Complainant's HARRY WINSTON marks; and

(iii) there has been no evidence adduced to show that Respondent is making a legitimate noncommercial or fair use of the disputed domain names. By contrast, as mentioned above, the disputed domain name <harrywin.com> resolves to a webpage displaying a warning message stating: "Suspected Phishing...This website has been reported for potential phishing." This clearly does not constitute a bona fide offering of goods or services. Given that the disputed domain name <harrywin.com> is a deliberate and misleading misspelling of the Complainant's trademark HARRY WINSTON, it is likely to mislead Internet users into believing it is associated with Complainant. The disputed domain names <harywinstons.cc>, <harywinstons.shop>, <harywinstion.cc>, and <harywinstion.com> all resolve to websites purporting to offer for sale products under the Complainant's HARRY WINSTON brand. It seems that Respondent is likely making profits through the Internet traffic attracted to the websites under these disputed domain names (Exhibits G.1-G.8. of the Complaint). (See *BKS Bank AG v. Jianwei Guo*, WIPO Case No. [D2017-1041](#); and *Pet Plan Ltd. v. 权中俊 and 李金梁 (Li Jin Liang)*, WIPO Case No. [D2020-3358](#).)

Panels have held that the use of a domain name for illegal activity (e.g., phishing, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Based on the available 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 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 Respondent has registered and used the disputed domain names in bad faith. Based on the information provided by Complainant, the Panel finds that Complainant has a widespread reputation in the HARRY WINSTON marks with regard to its products and services marks (registered as a trademark in the USA since 2007 and in China since 2015). It is not conceivable that

Respondent would not have had Complainant's trademark in mind at the time of the registration of the disputed domain names (in 2024 and 2025). This has been reinforced by the fact that each disputed domain name incorporates the misspelling version of Complainant's HARRY WINSTON trademark. Thus, the Panel determines that Respondent had actual knowledge of Complainant and the HARRY WINSTON trademark at the time of registering the disputed domain names, and bad faith is found.

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.

As mentioned above, the disputed domain name <harrywin.com> resolves to a webpage displaying a warning message stating: "Suspected Phishing...This website has been reported for potential phishing." The disputed domain names <harywinstons.cc>, <harywinstons.shop>, <harywinstion.cc>, and <harywinstion.com> all resolve to websites purporting to offer for sale products under Complainant's HARRY WINSTON brand.

Pursuant to paragraph 4(b)(iv) of the Policy, such use falls plainly within the non-exhaustive list of examples of registration and use in bad faith, namely using the confusingly similar disputed domain names with the intention to attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark. Having reviewed the record, the Panel finds Respondent's registrations and use of the disputed domain names all constitute bad faith under the Policy.

Thus, the Panel concludes that Respondent has engaged in bad faith conduct with respect the disputed domain names.

Based on the available record, the Panel finds the third element of the Policy has been established.

## 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 names <harrywin.com>, <harywinstion.cc>, <harywinstion.com>, <harywinstons.cc> and <harywinstons.shop> be transferred to Complainant.

*/Yijun Tian/*

**Yijun Tian**

Sole Panelist

Date: June 5, 2025