

## **ADMINISTRATIVE PANEL DECISION**

Swatch AG, Tissot SA, Compagnie des Montres Longines, Francillon SA, and Hamilton International AG v. wang han, Xu xi, DODSONCLAYTON, KathleenCarter, Fred Luke, cheikh Ould mohamed, li ning, and BergeronRichard  
Case No. D2025-1425

### **1. The Parties**

Complainants are Swatch AG, Switzerland (the “First Complainant”), Tissot SA, Switzerland (the “Second Complainant”), Compagnie des Montres Longines, Francillon SA, Switzerland (the “Third Complainant”), and Hamilton International AG, Switzerland (the “Fourth Complainant”), internally represented.

Respondents are wang han, United States of America, Xu xi, United States of America, DODSONCLAYTON, United States of America, KathleenCarter, United States of America, Fred Luke, United States of America, cheikh Ould mohamed, United States of America, li ning, United States of America, and BergeronRichard, United States of America.

### **2. The Domain Names and Registrars**

The disputed domain name <hamiltonshop.online> is registered with GoDaddy.com, LLC.

The disputed domain names <hamiltonshop.shop>, <longinestimepieces.shop>, <swatchuniverseshop.shop>, and <swatchwatch.shop> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain names <hamiltonwatchemporium.shop>, and <hamiltonwatch.shop> are registered with Sav.com, LLC.

The disputed domain names <luxurylongines.shop>, <swatchmania.shop>, and <tissottimepieces.shop> are registered with Spaceship, Inc. (collectively the “Domain Names” and the “Registrars”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 8, 9, 10, and 16, 2025, the Registrars transmitted by

email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (an individual/entity of unknown nature) and contact information in the Complaint.

The Center sent an email communication to Complainants on April 16, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting 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. Complainants filed an amended Complaint on April 17, 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 of the Complaint, and the proceedings commenced on April 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 15, 2025. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on May 16, 2025.

The Center appointed Marina Perraki as the sole panelist in this matter on May 27, 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**

First Complainant Swatch AG is active in the wristwatches business and owns the SWATCH trademark, used since 1983. First Complainant's website at "www.swatch.com" is used to promote the SWATCH brand and its products and services. First Complainant has fully owned, branded retail stores throughout North America, Europe, the Middle East, Africa, Central and South America, Asia, and Australia, as well as a growing number of E-commerce shops. First Complainant owns trademark registrations for SWATCH, including the International Trademark registration No. 506123, SWATCH (word), registered on September 9, 1986 for goods in international class 14.

Second Complainant Tissot SA was founded in 1853 in Switzerland and has grown to one of the largest traditional Swiss watch brands based on volume. Today Second Complainant's trademark TISSOT is present in more than 160 countries worldwide through more than 14,000 points of sale and nearly 200 mono-brand stores. Second Complainant has been named Official Timekeeper and Partner of many disciplines, including cycling with the Tour de France and the UCI World Cycling Championships; the basketball with the NBA, FIBA, and CBA; motorsports with MotoGP, and the FIM World Superbike Championship; and rugby with the RBS 6 Nations Championship, Top14, and the European Rugby Champions and Challenge Cups. Second Complainant is also the Official Timekeeper of the World Championships of fencing, ice hockey, and the AFL. Second Complainant is the owner of several trademark registrations for TISSOT including the International Trademark Registration No. 614931, TISSOT, (word), registered on January 31, 1994 for goods and services in international classes 1 to 42.

Third Complainant Compagnie des Montres Longines, Francillon SA was founded in Switzerland. As early as 1867, Third Complainant commenced using the name "Longines" by opening its first factory and in advertisements as early as 1881. In 1979, Third Complainant presented the world's thinnest watch. Complainant registered the trademark LONGINES in 1889 in Switzerland. In 1893, Complainant filed its trademark under the Madrid Agreement Concerning the International Registration of Marks making it the oldest trademark of the Madrid System of international trademarks still in effect. Today, Third Complainant operates a global network of offline and online boutiques, including in the United States of America, East-Asian countries such as China, and Japan. Third Complainant is the owner of several trademark

registrations for LONGINES including the International Trademark Registration No. 1341298, LONGINES (word), registered on November 29, 2016 for goods and services in international classes 9, 14, and 35.

Fourth Complainant Hamilton International AG's brand was founded in 1892 in Lancaster, Pennsylvania, United States of America, and is active in precision watchmaking. Its watches have synchronized the first railroads and furnished the wrists of soldiers, aviators, and Hollywood stars, making over 500 appearances on the big screen, including in movies such as "James Bond: Live and Let Die", "2001: A Space Odyssey", and "Ocean's Eleven". Fourth Complainant launched the world's first electric timepiece in 1957 and LED digital watch in 1970. Fourth Complainant's watches are sold in stores throughout the world, including North America, Europe, the Middle East, Africa, Central and South America, Asia, and China as well as a growing number of E-commerce shops for the brand HAMILTON. Fourth Complainant is the owner of several trademark registrations for HAMILTON including the United States of America Trademark Registration No. 5168258, HAMILTON, registered on March 21, 2017, for goods in international class 14.

All Complainants' mother company The Swatch Group Ltd is one of the largest watch companies in the world employing about 31,000 people in 50 countries.

The Domain Names were registered on the following dates:

<hamiltonshop.shop> on July 19, 2024;  
<tissottimepieces.shop> on August 6, 2024;  
<hamiltonshop.online> on August 5, 2024;  
<swatchmania.shop> on August 6, 2024;  
<luxurylongines.shop> on August 7, 2024;  
<longinestimepieces.shop> on August 9, 2024;  
<swatchwatch.shop> on July 19, 2024;  
<swatchuniverseshop.shop> on July 31, 2024;  
<hamiltonwatchemporium.shop> on July 8, 2024; and  
<hamiltonwatch.shop> on July 17, 2024.

At the time of filing of the Complaint, all the Domain Names apart from <hamiltonshop.online>, and <hamiltonwatchemporium.shop> lead to websites (the "Websites") prominently displaying Complainants' trademarks and copyright protected product images, selling a mixture of products bearing Complainants' trademarks and third-party products. Currently, all Domain Names lead to inactive or forbidden websites.

## **5. Parties' Contentions**

### **A. Complainants**

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the Domain Names.

### **B. Respondents**

Respondents did not reply to Complainants' contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainants must satisfy with respect to the Domain Names:

(i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainants have rights; and

- (ii) Respondents have no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

## **6.1 Procedural Issues**

### **A. Consolidation: Multiple Complainants**

The Panel has considered the possible consolidation of the Complaint for the Domain Names. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.1, paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the Rules provides 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 assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.

The Panel notes the following features of the Domain Names in favor of the consolidation:

- Complainants are part of the same group of companies, all Complainants being subsidiaries of the same company;
- Complainants have a common grievance against Respondents as the Domain Names target the trademarks of their group of companies; and
- it would be equitable and procedurally efficient to permit the consolidation.

The Panel finds that this Complaint consists of multiple Complainants that should, for the reasons discussed above, be permitted to have their Complaints consolidated into a single Complaint for the purpose of the present proceeding under the Policy. Respondents have not objected to the consolidation. The Panel therefore finds that it would be equitable and fair to permit the consolidation. Complainants are hereinafter collectively referred to as “Complainant”.

### **B. Consolidation: Multiple 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. Complainant requests the consolidation of the Complaint against the multiple Domain Name registrants pursuant to paragraph 10(e) of the Rules. The 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 notes that;

- all Domain Names were registered within a short period of time;
- all Domain Names share the same structure incorporating Complainant’s trademarks entirely or with minor misspellings, along with descriptive words and the “.shop” or “.online” generic Top-Level-Domains (“gTLDs”);

- 8 out of 10 of the Domain Names, namely all apart from <hamiltonshop.online>, and <hamiltonwatchemporium.shop> lead to similar websites. In some instances, the Websites had slightly differing fonts, however the general layout of all Websites was similar;
- 9 out of 10 of the Domain Names have been registered with the “.shop”gTLD;
- while the Domain Name <hamiltonwatchemporium.shop> did not resolve to an active website at the time of filing of the Complaint, it composed of the same terms and gTLD as the Domain Name <hamiltonwatch.shop> with the mere addition of the term “emporium” and had been registered with the same Registrar (Sav.com, LLC) nine days prior to the registration of the former Domain Name; and
- the Domain Name <hamiltonshop.online> is a mere variation of the Domain Name <hamiltonshop.shop> and has been registered only one day prior to the Domain Name <tissottimepieces.shop>, one day prior to the Domain Name <swatchmania.shop>, and two days prior to the Domain Name <luxurylongines.shop>.

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 Domain Name registrants (referred to below as “Respondent”) in a single proceeding.

## **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 Complainant’s trademark and the disputed domain name. [WIPO Overview 3.0](#), sections 1.7, 1.8, and 1.9.

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 marks are recognizable within the Domain Names. Accordingly, the Domain Names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The gTLDs “.shop” and “.online” are also disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons only (see *Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); and *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 Domain Names such as those enumerated in the Policy or otherwise. On the contrary, as Complainant demonstrated, the Domain Names resolved to the Websites, which featured Complainant's trademarks and suggested falsely that they were those of Complainant or an affiliated entity or an authorized partner of Complainant.

A distributor or reseller can be making a bona fide offering of goods and thus have a legitimate interest in a domain name only if the following cumulative requirements are met (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#); [WIPO Overview 3.0](#), section 2.8.1): (i) respondent must actually be offering the goods at issue; (ii) respondent must use the site to sell only the trademarked goods; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) respondent must not try to "corner the market" in domain names that reflect the trademark.)

These requirements are not cumulatively fulfilled in the present case. The composition of the Domain Names falsely suggests that the Websites are official sites of Complainant, or of an entity affiliated to, or endorsed by Complainant. [WIPO Overview 3.0](#), section 2.5.1. At the time of filing the Complaint, the Websites extensively reproduced, without authorization by Complainant, Complainant's trademark and logos, without any disclaimer of association (or lack thereof) with Complainant.

Per Complainant, Respondent is not an affiliated entity or an authorised distributor or reseller of Complainant and no agreement, express or otherwise, exists allowing the use of Complainant's trademarks on the Websites and the use of the Domain Names by the Respondent.

While Complainant claims that goods sold on the Websites were counterfeits, it is not necessary for the Panel to make any ultimate determination as to the nature of the goods, as the evidence clearly shows Respondent has attempted to create a likelihood of confusion with Complainant also considering the lack of a prominent and accurate disclaimer regarding the relationship between Complainant and Respondent on the Websites. Furthermore, Complainant has demonstrated that the Websites not only sold products bearing Complainant's trademarks, but also sold different types of products from third parties.

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.

The Panel concludes that Respondent has registered and used the Domain Names in bad faith. Because the Complainant's marks had been widely used and registered by Complainant at the time of the Domain Names registrations by Respondent and enjoyed reputation as repeatedly recognized (*Swatch AG v. Boomin Jeong*, WIPO Case No. [D2018-2627](#), *Tissot S.A. v. Domains By Proxy, LLC / Serkan Ergovan*, WIPO Case No. [D2018-2301](#)), the Panel finds it more likely than not that Respondent had the Complainant's marks in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); and *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

As regards bad faith use of the Domain Names, Complainant has demonstrated that the Domain Names were used to create the Websites which prominently displayed the Complainant registered trademarks and logos, as well as copyrighted product images, thereby giving the false impression that they were operated by Complainant, or a company affiliated to Complainant, or an authorised dealer of Complainant. The Domain Names operated therefore by intentionally creating a likelihood of confusion with Complainant's trademarks

and business as to the source, sponsorship, affiliation, or endorsement of the Websites they resolved to. This can be used in support of bad faith registration and use (*Booking.com BV v. Chen Guo Long*, WIPO Case No. [D2017-0311](#); *Ebel International Limited v. Alan Brashear*, WIPO Case No. [D2017-0001](#); *Walgreen Co. v. Muhammad Azeem / Wang Zheng, Nicenic International Group Co., Limited*, WIPO Case No. [D2016-1607](#); *Oculus VR, LLC v. Sean Lin*, WIPO Case No. [DCO2016-0034](#); and [WIPO Overview 3.0](#), section 3.1.4).

Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Names constitutes bad faith under the Policy, taking into account the fact that Complainant's marks were prominently displayed throughout the Websites along with copyrighted product images of Complainant, and that goods bearing Complainant's trademarks appeared to be sold on the Websites along with third-party goods.

Panels have also found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes, the distinctiveness or reputation of the Complainant's trademarks, and the composition of the Domain Names, and finds that in the circumstances of this case the passive holding of some of the Domain Names (i.e. <hamiltonshop.online>, and <hamiltonwatchemporium.shop>) does not prevent a finding of 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 names <hamiltonshop.online>, <hamiltonshop.shop>, <hamiltonwatchemporium.shop>, <hamiltonwatch.shop>, <longinestimepieces.shop>, <luxurylongines.shop>, <swatchmania.shop>, <swatchuniverseshop.shop>, <swatchwatch.shop>, and <tissottimepieces.shop> be transferred to Complainant.

*/Marina Perraki/*

**Marina Perraki**

Sole Panelist

Date: June 10, 2025