

## ADMINISTRATIVE PANEL DECISION

ecoATM, LLC v. Quan Zhongjun, Juanita Co. Zhengzhou HeNan 450000  
Case No. D2025-1429

### 1. The Parties

The Complainant is ecoATM, LLC, United States of America (“USA” or “United States”), represented by Knobbe, Martens, Olson & Bear, LLP, USA.

The Respondent is Quan Zhongjun, Juanita Co. Zhengzhou HeNan 450000, China.

### 2. The Domain Names and Registrar

The disputed domain names <acoatm.com>, <eccoatm.com>, <eciatm.com>, <ecoaatm.com>, <ecoatm.com>, <ecoaym.com>, <ecpatm.com>, <eoatm.com>, <exoatm.com>, and <rcoatm.com> are registered with Cosmotown, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 10, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 11, 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 April 15, 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 April 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 8, 2025.

The Center appointed Jane Lambert as the sole panelist in this matter on May 12, 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 was incorporated with limited liability in the state of Delaware in 2008. Its principal place of business is in San Diego, California. The Complainant recycles mobile phones and other electronic devices after they cease to be of use to their owners. Since its formation in 2008, the Complainant has prevented the dumping of over 45 million such items into landfill sites.

The Complainant carries out its services using machines resembling automated teller machines (“ATMs”) in appearance, known as *kiosks*. These kiosks are positioned on retailers’ premises at over 6,000 locations throughout the United States. Those retailers include such well-known companies as The Kroger Company, Walmart Inc. and Westfield. If a member of the public wishes to dispose of his or her mobile phone, he or she can seek a nearby kiosk. A human voice simulator will ask the owner of the phone to prove his or her identity as well as some preliminary questions about the phone and then invite him or her to deposit it in the machine. It will then carry out some tests and propose a purchase price to the owner. If the owner accepts the offer the kiosk will retain the phone and pay the owner the agreed sum.

The Complainant has registered the mark ECOATM in China, the United Kingdom (“UK”) and the United States for the following services:

Country	Number	Services	Registration
China	15295042	For others to provide portable electronic devices such as the recycling of waste in class 40	October 21, 2014
UK	UK00801231941	Collection of portable electronic devices for distribution to others for recycling, repair and refurbishment; none of these services are related to the transport of passengers or with other activities directly related to the traffic of passengers in class 39. Recycling of portable electronic devices for others; none of these services are related to the transport of passengers or with other activities directly related to the traffic of passengers in class 40.	May 8, 2018
USA	4587156	Collection of portable electronic devices for distribution to others for recycling, repair and refurbishment; none of these services are related to the transport of passengers or with other activities directly related to the traffic of passengers in class 37. Recycling of portable electronic devices for others; none of these services are related to the transport of passengers or with other activities directly related to the traffic of passengers in class 40.	August 19, 2014

The Complainant advertises its services over its website at “ecoatm.com”. Its YouTube channel has 3,400 subscribers and attracted 12.5 million views, 35,000 followers on Facebook, 18,900 on Instagram and 9,900 on X.

It has raised nearly USD 400 million in equity investment since it was founded.

The Respondent’s name and address were disclosed by the Registrar upon the Center’s request for verification. According to the Complainant, the Respondent was party to the following domain name disputes all of which were decided against him:

- *PN II, Inc. v. Quan Zhongjun, Juanita Co.*, WIPO Case No. [D2025-0224](#);
- *Asurion, LLC v. Quan Zhongjun, Juanita Co.*, WIPO Case No. [D2024-4299](#);
- *Dynatrace LLC v. Quan Zhongjun, Juanita Co.*, WIPO Case No. [D2023-4533](#);
- *VGP IPCo LLC and Valvoline Licensing and Intellectual Property LLC v. Quan Zhongjun*, WIPO Case No. [D2023-3376](#);
- *American Airlines, Inc. v. Quan Zhongjun, Juanita Co.* WIPO Case No. [D2023-1253](#);
- *Asurion, LLC v. Quan Zhongjun aka Zhongjun Quan*, WIPO Case No. [D2022-4267](#);
- *Sealed Air Corporation (US) v. Quan Zhongjun, Juanita Co.*, WIPO Case No. [D2022-3832](#);
- *Averitt Express, Inc. v. Quan Zhongjun, Juanita Co.*, WIPO Case No. [D2022-3110](#);
- *ESH Strategies Branding, L.L.C. v. Quanzhongjun*, WIPO Case No. [D2019-0154](#).

The Complainant has typed each of the disputed domain names into a browser, printed out the pages that it has found at each disputed domain name and appended the screen prints to the Complaint as Annex F. That Annex shows that 7 of the disputed domain names resolve to blank pages and 3 to the homepage of the Complainant’s website.

## 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 names.

It has registered the letters ECOATM as a trademark in several jurisdictions and each of those registrations is a trademark in which the Complainant has rights. It submits that each of the disputed domain names either incorporates that trademark in its entirety with the addition or deletion of a single letter, or substitutes an adjacent keyboard letter for one of the letters of the mark. Accordingly, each of the disputed domain names is confusingly similar to a trademark in which the Complainant has rights.

The Complainant submits that because it is difficult to produce evidence to support a negative statement, the threshold for the Complainant to prove a lack of legitimate interest is low. Once that threshold is cleared the burden of production shifts to the Respondent to prove otherwise. The Complainant cites *Compagnie Generale des Matieres Nucleaires v. Greenpeace Int’l*, WIPO Case No. [D2001-0376](#) and *Asian World of Martial Arts Inc. v. Texas International Property Associates*, WIPO Case No. [D2007-1415](#) in support of that submission.

It asserts that the evidence in this case demonstrates that the Respondent has no rights or legitimate interests in any of the disputed domain names. It anticipates the possible argument that the Respondent is using, or making demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods and services by referring to the screen prints in Annex F and pointing out that no use appears to have been made of any of the disputed domain names. It also anticipates the possible argument that the Respondent is commonly known by one or more of the disputed domain names by stating that it has never authorized, licensed or permitted anyone else to use its trademark in connection with the disputed domain names.

The Complainant's starting point on whether the disputed domain names have been registered and are being used in bad faith is that the circumstances in paragraph 4 (b) of the Policy are intended to be illustrative rather than exhaustive.

Referring to *Whitehall Specialties, Inc. v. Registration Private, Domains By Proxy, LLC, Perfect Privacy, LLC, WhoisGuard Protected, WhoisGuard, Inc./Lindsey Gartner, Stefan Freter, Nick Bahnweg*, WIPO Case No. [D2021-0716](#), *Admiral Group Plc and EUJ Limited v. Cimpres Schweiz, Cimpres Schweiz GmbH*, WIPO Case No. [DCO2017-0043](#), *Longs Drug Stores California, Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#), *Lexar Media, Inc. v. Michael Huang*, WIPO Case No. [D2004-1039](#), *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#) and *Insurance Company v. Dyk Dylina/Privacy--Protect.org*, WIPO Case No. [D2011-0304](#) the Complainant asserts that "from decades of UDRP precedent, it is well settled that 'the practice of typosquatting constitutes obvious evidence of the bad faith registration of a domain name.'"

The Complainant refers to the cases that have been decided against the Respondent and notes that most of them have involved typosquatting, that is to say registering domain names that are nearly identical to complainants' trademarks. The Complainant adds that the Respondent was found to have acted in bad faith in all those cases. It submits that the present case is an example of the Respondent's pattern of behavior, namely "the consistent and repeated bad faith registration and use of typosquatting domains."

Referring to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 3.3, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) and *Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#), among others, the Complainant contends that passive holding in relation to a domain name registration can constitute domain name use in bad faith.

Citing *Ann Summers Limited v. Domains By Proxy, LLC/Mingchun Chen*, WIPO Case No. [D2018-0625](#), the Complainant argues that redirecting a disputed domain name to a trademark owner's website can establish bad faith. Such redirection warns the owner that the respondent controls the domain name and any traffic that the redirected domain name may bear and he or she can divert that traffic at any time. It also removes any doubt that the respondent is aware of the complainant's trademark.

## **B. Respondent**

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

## **6. Discussion and Findings**

The agreement for the registration of each of the disputed domain names incorporated paragraph 4 (a) of the Policy:

**"Applicable Disputes.** You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

- (i) your domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) you have no rights or legitimate interests in respect of the domain name; and
- (iii) your domain name has been registered and is being used in bad faith.

In the administrative proceeding, the complainant must prove that each of these three elements are present."

## **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 Panel finds the mark is recognizable within each of the disputed domain names. Accordingly, each disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Each of the disputed domain names is a misspelling of the Complainant's ECOATM trademark. [WIPO Overview 3.0](#), section 1.9.

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 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.

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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 trademark, and the misspelling composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Having been a party to several previous domain name disputes, the Respondent is likely to be familiar with the Policy and careful to avoid any act or communication which would fall within paragraph 4(b) of the Policy. While the Respondent has not offered to sell any of the disputed domain names or made any demand for money, the Respondent has indicated to the Complainant that he or she has registered and controls confusingly similar domain names and any traffic they bear by arranging for 3 of those disputed domain names to resolve to the Complainant's home page. Such an indication serves as a tacit warning to the Complainant that the Respondent could divert such traffic elsewhere at any time.

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 <acoatm.com>, <eccoatm.com>, <eciatm.com>, <ecoaatm.com>, <ecoatm.com>, <ecoaym.com>, <ecpatm.com>, <eoatm.com>, <exoatm.com> and <rcoatm.com> be transferred to the Complainant.

*/Jane Lambert/*

**Jane Lambert**

Sole Panelist

Date: May 20, 2025