

ADMINISTRATIVE PANEL DECISION

WE-EF LEUCHTEN GmbH v. wang yajun

Case No. D2025-1723

1. The Parties

The Complainant is WE-EF LEUCHTEN GmbH, Germany, represented by Brimondo AB, Sweden.

The Respondent is Wang Yajun, China, represented by another individual with the same email address as both the Respondent and MarkSmile.

2. The Domain Name and Registrar

The disputed domain name <weef.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2025. On April 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 5, 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 May 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2025. The Response was filed with the Center on June 1, 2025.

The Center appointed David H. Bernstein as the sole panelist in this matter on June 10, 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 June 17, 2025, the Complainant forwarded to the Center a supplemental filing. As discussed below, the Panel has decided to disregard the Complainant's supplemental submission and thus did not offer the Respondent an opportunity to respond to the supplemental submission.

4. Factual Background

The Complainant, WE-EF, sells lighting, specializing in lighting solutions for urban spaces and architectural environments. The Complainant's brand was founded in 1950 and is a subsidiary of the Fagerhult Group, an international lighting company listed on the Nasdaq Nordic.

The Complainant owns more than 24 trademark registrations for variations of its WE-EF mark. One of the Complainant's earliest registered trademarks is for WE-EF in Hong Kong in 1991 (No. 199609104, Application Date July 10, 1991, Registration Date October 2, 1996). The Complainant's International trademark registration for WE-EF (No. 658509, Registration Date April 1, 1996) was extended to China, the jurisdiction where the Respondent is reportedly located, under the Madrid Protocol.

The Complainant owns domain names registered with several generic Top-Level Domains ("gTLDs") and country code Top-Level Domains, including <weef.eu>, <weef.lighting>, <weefgermany.com>, <we-ef.com>, and <we-ef.de>. The Complainant's main domain names were registered in 1997 (<we-ef.com>) and 2001 (<weefgermany.com>).

The Complainant sent the Respondent a letter objecting to its registration and use of the <weef.com> domain name on December 19, 2024. The Respondent did not respond. Once these proceedings commenced, the Respondent requested that the proceedings be suspended for ten days to initiate dispute settlement negotiations, but there is no indication that the Complainant agreed to a suspension and no indication that any suspension was granted. The Respondent submitted a Response on June 1, 2025, four days past the stated deadline to reply of May 28, 2025.

The Respondent registered the disputed domain name more than two decades ago, on March 8, 2003. The disputed domain name currently resolves to a landing page that includes the domain name, the name and email address of the "Registrar Agent" Marksmile, and a QR Code which leads to the WeChat platform. The information on the landing page is in a mixture of the English and Chinese languages. The Complainant submitted evidence, translated from Chinese to English, that the disputed domain name previously resolved to a landing page that included a link to the domain name <365.com>, the phrase "Hot pre-sale" in Chinese, and a button to "Register Now".

The Complainant and the Registrar confirmed that the language of the Registration Agreement is English. The Respondent responded to the Notification of Complaint and Commencement of Administrative Proceedings in Chinese, requesting the language of the dispute proceedings be Chinese. The Respondent included a Chinese version of the Registration Agreement. The Respondent stated that the Registrar automatically matched the language to Chinese when the Respondent used the service in China. The Respondent thereafter submitted his Response in English.

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.

(i) Identical or confusingly similar

The Complainant argues that the disputed domain name is identical to the Complainant's registered trademarks (including Indonesia registration number IDM000437108 (Application date April 22, 2013, Registration Date January 2, 2023), which registration is for WE EF without a hyphen. The Complainant argues that the removal of the hyphen from the disputed domain name is inconsequential because some of the Complainant's trademark registrations include a hyphen and others omit the hyphen. The Complainant argues that omission of a space or hyphen is a customary formatting device for domain names, which do not permit use of spaces.

(ii) Rights or legitimate interests

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant alleges that there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services. The Complainant further asserts that there is no evidence that the Respondent is commonly known by "weef.com" or any other use of the terms "WEEF" or "WE-EF". Additionally, the Complainant contends that the Respondent is not making legitimate noncommercial or fair use of the disputed domain name and is instead taking advantages of the Complainant's brand by use of its recognized registered trademarks.

(iii) Registered and used in bad faith

The Complainant argues that the disputed domain name was registered and is being used in bad faith by the Respondent for the following reasons: (1) The Respondent knew or at least should have known about the brand WE EF because its domain name is identical to worldwide trademark registrations which predated the disputed domain name registration; (2) the Respondent created an email address with the disputed domain name which could lead to significant confusion and potential misuse such as phishing attempts; (3) the disputed domain name was listed for sale to the general public as indicated by a prior version of the website to which the disputed domain name resolved, which called for anyone to make an offer to purchase the domain name, and that also included hyperlinks to other websites that might have led users to believe that the disputed domain name was affiliated with or endorsed by the Complainant; and (4) the Respondent failed to reveal his identity by using a privacy screen and failing to respond to the letter sent by the Complainant.

The Complainant additionally alleges that the Respondent registered the disputed domain name in bad faith because the Respondent owns several domain names consisting of misspellings of well-known, recognized brands and is engaging in typosquatting with the intent to confuse consumers and exploit trademark owners. The Amended Complaint further alleges that, based on the Respondent's phone number, the Respondent appears to be a party who has previously been involved in four UDRP cases. Finally, based on the Respondent's email address, the Complainant argues that the Respondent is "Marksmile", a party who has been accused of harassing domain owners and scamming in several news articles.

B. Respondent

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

(i) Identical or confusingly similar

The Respondent concedes that “weef” (as used in the disputed domain name) and “WE EF” (which represents the Complainant’s trademark) are similar or even identical in the domain name context. However, the Respondent argues that the Complainant’s claimed Indonesian trademark is the only mark provided in the Complaint that does not include a hyphen between WE and EF, and that the Complainant failed to provide sufficient evidence to support its claimed ownership of that trademark. The Respondent additionally contends that “weef” and “WE-EF” are not identical because of the addition of the hyphen. The Respondent claims that “weef” is not similar to “WE-EF” because it fails to cause user confusion given the noticeable absence of the hyphen within the short word, phonetic differences in pronunciation, the lack of evidence by the Complainant of the mark’s strength, and the likely sophistication and thus caution exercised by consumers of the Complainant’s goods.

(ii) Rights or legitimate interests

The Respondent contends that he has rights or legitimate interests in respect of the disputed domain name because he has activated the email function associated with the disputed domain name. The Respondent references the Complainant’s annex to demonstrate that the MX function for the disputed domain name is activated.

(iii) Registered and used in bad faith

The Respondent asserts that he did not register and use the disputed domain name in bad faith for the following reasons:

First, the Respondent denies ownership of the other domain names that, the Complainant alleges, demonstrates the Respondent’s pattern of bad faith typosquatting. The Respondent argues that these other domain names are not his but rather are affiliated with the accredited Chinese registrar Marksmile. The Respondent denies that he is the alter ego of Marksmile, and argues that the Complainant’s citation to the use of the same email address is insufficient proof that the Respondent is the same as Marksmile.

The Respondent also argues that his registration of the disputed domain name cannot have been in bad faith because his registration in 2003 predated the Complainant’s Indonesian Trademark Registration that, the Complainant contends, is for WE EF. The Respondent further argues that the Complainant failed to submit evidence of its reputation in China or of the validity of its trademark in China at the time the Respondent registered the disputed domain name.

Next, the Respondent rejects the Complainant’s claims that the disputed domain name was available for sale. The Respondent argues that the website to which the disputed domain name resolved, as reproduced in the Complainant’s annex, was a common landing page of the accredited Chinese registrar, Marksmile, and that the information alleged to be indicative of solicitation is merely the provision of standard registrar contact information. The Respondent contends that the Complainant’s allegations of bad faith based on the content of the website are without merit because they are based on an outdated landing page and are not substantiated by any evidence of actual harm.

Further, the Respondent argues that he is not using the email function associated with the disputed domain name in bad faith. The Respondent rejects the Complainant’s allegations based on the Complainant’s lack of evidence of such malicious use of email.

Moreover, the Respondent refutes that his use of Whois privacy protection constitutes bad faith due to 2018 updates to ICANN’s Temporary Specification for gTLD Registration Data and the European Union General Data Protection Regulation, which provides that privacy protection does not evidence bad faith absent the provision of false contact information or evidence that such services are being used to hinder the Complainant’s proceedings.

The Respondent additionally denies the Complainant's allegations that the Respondent is the alter ego of the third party who was claimed to be a cybersquatter by the Complainant or Marksmile, and alleges that the Complainant's reliance on the listed administrative phone number and email address is insufficient to establish that the Respondent is the same as either of those parties.

Finally, the Respondent argues that the Complainant engaged in Reverse Domain Name Hijacking by (1) providing false evidence or otherwise attempting to mislead the panel based on their allegedly false descriptions of possession of the Indonesian trademark and claims that the disputed domain name is for sale to the general public; (2) basing the Complaint on bare allegations without supporting evidence; and (3) providing intentionally incomplete material such as lack of evidence of the Indonesian trademark to deceive the panel.

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that a Complainant must prove each of the following three elements by a preponderance of the evidence to obtain an order that a disputed domain name be transferred:

- i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- 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.

For the reasons stated below, the Panel finds that the Complainant has not proven all three elements by a preponderance of the evidence.

A. Preliminary Issue No. 1: Language of the Proceedings

The Respondent requested that the language of the proceedings be Chinese because he reasonably believed that the language of the Registration Agreement was Chinese. The Respondent submitted a Chinese version of the Registration Agreement. The Respondent contended that, due to the Registrar's global business coverage, the language when the Respondent used the service in China automatically matched to Chinese. The Respondent's correspondence regarding their language request was in Chinese.

Although the Respondent may have received the Registration Agreement in Chinese, the actual language of the Registration Agreement is in English. Moreover, both Parties filed their submissions in English, thus indicating that English is a shared language of understanding between the Parties. The Panel notes that most of the annexes were submitted in English or with English translations, with the exception of three of the Respondent's annexes submitted in Chinese and one of the Respondent's annex submitted in Malay. To the extent that their meaning is not obvious, these should have been accompanied by an English translation if the Respondent intended the Panel to effectively rely on these annexes.

In exercising its discretion to use a language other than the language requested by the Respondent, the Panel must act 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 generally* 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.

B. Preliminary Issue No. 2: Supplemental Filings

The Rules make no express provision for supplemental submissions by either party, except in response to a deficiency notification or if requested by the Center or Administrative Panel. Paragraph 10 and 12 of the Rules effectively grant the Panel the sole discretion to determine the admissibility of Supplemental Filings received from either party.

The Panel must thus determine whether the Complainant's supplemental submission should be considered. Supplemental unsolicited submissions are generally only appropriate if they address new facts or law that were not known until after submission of the original Complaint or that the Complainant could not have reasonably anticipated. See *Dreamgirls, Inc. v Dreamgirls Entertainment*, WIPO Case No. [D2006-0609](#); *Custom Bilt Metals v. Conquest Consulting*, WIPO Case No. [D2004-0023](#).

The Complainant's supplemental submission fails to meet this standard as it does not provide any additional facts or new legal arguments that could not have been anticipated in the Complaint. The Complainant provides no additional facts regarding the similarity between the disputed domain name and the registered trademarks. The Complainant's repeated legal argument regarding whether use of the email function constitutes bad faith fails to address the legitimate interest analysis. Moreover, the phishing case cited by the Complainant to support this claim, *Autoliv Development AB. v. Gideon Johnson, farmtech*, WIPO Case No. [D2024-4015](#) ("at least three security vendors have flagged the disputed domain name for phishing, spam and other malicious activity, which is a clear indicator of bad faith"), is factually distinguishable from the present case because the Complainant has not submitted any evidence of security vendor flags of the disputed domain name, which was the case in the case cited by the Complainant. Finally, the Complainant's reiteration of its bad faith argument that the disputed domain name was listed for sale does not clarify any of the ambiguities on the record regarding the alleged listing for sale, and thus fails to provide any additional relevant facts or legal arguments; in any event, any facts about the alleged offer for sale of the disputed domain name should have been included with the Complaint.

The one thing that the Complainant appropriately responded to was the Respondent's argument that the Indonesian trademark registration was for WE-EF with a hyphen, not WE EF without a hyphen. The Complainant explained that the Indonesian trademark registry website listed the mark as WE EF, and that the Complainant failed to check the actual certificate, where the hyphen does appear. The Complainant argued that this oversight was immaterial because it was relying on its trademark rights in both WE-EF (as registered) and WE EF (as used in its various domain names, and as protected by common law trademark rights). The Panel will accept this part of the Complainant's supplemental submission.

Other than that one point, the Panel declines to consider the Complainant's supplemental submission.

C. Preliminary Issue No. 3: Late Response

The Respondent submitted his Response four days late. Given that the Respondent had requested a different language from English and requested a suspension for settlement negotiations, and given that a four-day extension would have been automatically available had the respondent asked for it, Rule 5(b), the Panel exercises its discretion to accept the late filing of the Response. Rule 10(a)-(c).

D. 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 the trademark WE-EF for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The parties dispute whether Complainant has trademark rights in the mark WE EF, without a hyphen. As noted above, the Complainant initially asserted that it has an Indonesian registration for WE EF; the Respondent countered that the Complainant has not submitted proof of any such registration and that all of the registration certificates it submitted from other countries are for WE-EF, with a hyphen. The Complainant later explained that this was an oversight because of the way that the Indonesian trademark registration was listed on the website, but that it still was relying on its common law rights in WE EF.

The Panel agrees that the Complainant has demonstrated trademark rights in WE-EF, and, in any event, as the Respondent has recognized, there is no material difference between WE EF and WE-EF for purposes of the first factor. Indeed, a hyphen or space would generally be nondistinctive and therefore disregarded for the purpose of assessing confusing similarity under the Policy. That conclusion is reinforced by the fact that the Complainant's domain names include various iterations of WEEF and WE-EF, including <weef.eu>, <weef.lighting>, <weefgermany.com>, <we-ef.com>, and <we-ef.de>. Accordingly, the Panel finds that the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The entirety of the mark is reproduced within the disputed domain name, merely excluding the hyphen between "WE" and "EF". That is sufficient to establish confusing similarity for purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7, 1.9.

The Panel finds the first element of the Policy has been established.

E. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which a 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 that 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 Complainant has adequately alleged that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, that the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making legitimate noncommercial or fair use of the disputed domain name.

The Respondent's only rejoinder is that it used the disputed domain name for email. However, the Respondent fails to explain why it is appropriate for it to use "[name]@weef.com" as an email address. The Respondent's argument, if accepted, would essentially allow any respondent to claim that any domain name registration is legitimate merely because the respondent has used the domain name for email. Because the Respondent has not rebutted the Complainant's prima facie showing, the Panel finds the second element of the Policy has been established.

F. Registered and Used in Bad Faith

The Complainant's evidence of bad faith is built upon a web of speculation and innuendo. What it is lacking is evidence that establishes that the Respondent registered the disputed domain name in 2003 (more than two decades ago) in bad faith and has since used the disputed domain name in bad faith.

Paragraph 4(b) of the Policy establishes non-exhaustive circumstances, if found by the Panel to be present, that shall constitute evidence establishing paragraph 4(a)(iii) of the Policy. Bad faith registration is found where the Respondent knew or should have known of the Complainant at the time when it registered or acquired the disputed domain name and the Respondent registered the disputed domain name with a bad faith intention of targeting the Complainant.

In the present case, the Complainant alleges that the Respondent knew or should have known about the Complainant's brand when the Respondent registered the disputed domain name in 2003. But for that bald assertion, the Complainant does not allege any facts that substantiate that claim. There is not, for example, any evidence in the record of the Complainant's registrations in China in 2003, or the use and renown of trademark in China at that time, or the extent of its sales in China under the mark at that time. Respondents do have an obligation under paragraph 2 of the Policy to ensure that the domain names they register do not infringe upon or violate third party rights, but the Complainant has not established, by a preponderance of the evidence, that the Respondent likely violated that obligation when he registered the disputed domain name back in 2003.

Equally weak are the Complainant's arguments that the Respondent registered the disputed domain name in bad faith based on allegations that the Respondent owns several domain names which are typos of well-known brands. Patterns of abusive domain name registration can support a finding of bad faith conduct if the domain name at issue is part of the same pattern, but the Complainant has not shown by a preponderance of the evidence that the Respondent has engaged in such conduct. The reverse look-up evidence provided by the Complainant is inconclusive. At best, it identifies four other domain names owned by the Respondent, but there is no evidence that those domain names have been challenged by other brand owners and insufficient evidence that they constitute abusive domain name registrations.

Also unpersuasive is the Complainant's evidence that the Respondent offered the disputed domain name for sale in the past. The annex cited by the Complainant does not show an offer of sale for the disputed domain name; rather it simply shows contact information and a link (which, the Respondent contends, is a common landing page for this Registrar, an assertion that is consistent with images of other website landing pages included in the evidence submitted by the Complainant).

Also unsupported is the Complainant's allegation that the Respondent's use of the disputed domain name for email establishes bad faith because of the potential for misuse such as phishing and/or misleadingly contacting the Complainant's customers. Although registration and use of a domain name for phishing and other bad faith email-related schemes may constitute bad faith, see, e.g., *Yahoo! Inc. v. Aman Anand, Ravi Singh, Sunil Singh, Whois Privacy Corp., Domains By Proxy, LLC*, WIPO Case No. [D2016-0461](#); *Twitter, Inc. v. Whois Agent, Whois Privacy Protection Service, Inc. / Domain Support*, WIPO Case No. [D2015-1488](#), a complainant must do more than identify the potential for such misconduct. Rather, in order to establish bad faith, a complainant needs to submit evidence that the respondent has sent deceptive emails or at least circumstantial evidence that such misconduct is more likely than not. No such evidence is presented here. The Complainant's argument that "the Respondent could use the email address(s) for phishing or contacting the Complainant's customers or shareholders" is speculative given the lack of evidence as to the fame or targeting of the Complainant's mark; it is not evidence of bad faith use and registration.

The Complainant also made several allegations regarding the identity of the Respondent in an effort to tie this Respondent to others who have been accused of bad faith conduct. The Complainant argues that the Respondent's phone number connects the Respondent to a party involved in prior UDRP domain name dispute proceedings and alleges that the Respondent changed his name when registering the disputed domain name. The Complainant also alleges that the Respondent's email address establishes that the

Respondent is Marksmile, a party who has been cited by several news sources as a scammer. The Respondent denies that this evidence establishes that he changed his name or is these other parties, though does not address why he has the same phone number or email address as these other parties. The Panel finds that the record with respect to the Respondent's identity and potential connection to these other parties is opaque; neither party has submitted clear evidence to support its position. In any event, even if found to be an alter ego of these other parties, the alleged history of bad faith conduct by these other parties is not sufficient to establish bad faith by the Respondent absent circumstantial evidence in the present case pointing to bad faith targeting of this Complainant's trademark. In this regard, the Panel notes that the disputed domain name is a four-letter domain name, that the use of the disputed domain name generally references the disputed domain name itself (rather than the Complainant) on a basic landing page, and that the Complainant has put forward limited evidence regarding the reputation of its trademark in the Respondent's jurisdiction at the time of registration of the disputed domain name. The Complainant has not met the burden of establishing that it is more likely than not that the Respondent was targeting the Complainant's trademark, rather than the short disputed domain name itself, when registering the disputed domain name.

Finally, the Complainant alleges that the Respondent registered and used the disputed domain name in bad faith by failing to respond to the Complainant's letter and by using a privacy shield in the registration of the disputed domain name. Both arguments are without merit on this record. Although failure to respond to a cease-and-desist letter may support a finding of bad faith in appropriate cases, the lack of a response may be reasonable where a respondent does not believe the letter contains valid claims. Similarly, the use of privacy services is now ubiquitous; shielding one's identity in Whois information is typically found to support an inference of bad faith only in cases where it is being used to avoid notification of a UDRP proceeding or where false contact information is provided. See [WIPO Overview 3.0](#), section 3.6. There is insufficient evidence of either scenario on the present record.

Accordingly, the Panel finds that the Complainant has failed to establish bad faith registration and use.

G. Reverse Domain Name Hijacking

The Respondent has requested that the Panel enter an order finding Reverse Domain Name Hijacking ("RDNH") against the Complainant.

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at RDNH or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the Complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

The Respondent argues for a finding of RDNH against the Complainant for the following reasons: (1) the provision of false evidence, or otherwise attempting to mislead the panel with regards to the possession of an Indonesian trademark for "WE EF"; (2) the provision of intentionally incomplete material evidence by omitting an annex for the Indonesian trademark; and (3) basing a Complaint on only the barest allegations without supporting evidence regarding the Complainant's claims that the disputed domain name was offered for sale to the general public.

The Panel rejects the Respondent's contention that RDNH is appropriate because of the Complainant's initial statement that the Indonesian trademark registration was for WE-EF, rather than WE EF. The Complainant explained that this was an oversight based on how the registration was listed on the Indonesian trademark registry website, a fact that the Panel has itself confirmed. Furthermore, the Complainant did correct this oversight in its supplemental response, and also explained that it was immaterial given that WE-EF and WE EF are confusingly similar for purposes of the Policy.

The Panel is, though, sympathetic to the Respondent's request given the weakness of other aspects of the Complaint, including some speculation and conclusory allegations in the Complaint. Moreover, the Complainant does not address the fact that the disputed domain name is a four-letter domain name that may have some value independent of the Complainant's trademark, or why the Respondent is more likely to have been targeting the Complainant rather than the disputed domain name itself.

At the same time, the Panel has questions about the Respondent's conduct. The Respondent's response is opaque in a number of respects. As is its right, the Respondent has questioned the quality of the evidence submitted by the Complainant, but the Respondent has done little to shed light on its rights or legitimate interests in the disputed domain name, or its use of the disputed domain name over the past two decades, or its relationship, if any, with MarkSmile, whom the Respondent says is a Chinese accredited registrar (but with whom the Respondent appears to share an email address). The Panel is also troubled by the Respondent's failure to respond to the Complainant's argument that the Respondent is the owner of MarkSmile and that MarkSmile has been linked to domain name spamming in news reports. Further, the Respondent has made some patently invalid arguments in this proceeding, such as its assertion that the disputed domain name is not confusingly similar to the Complainant's registered trademarks because the disputed domain name omits the hyphen from the WE-EF mark. Because a finding of RDNH is a matter of equity, it should not be granted when the Respondent itself has engaged in questionable conduct either in the registration and use of the disputed domain name or in the UDRP proceeding itself. See *Breazy Inc. v. Domains by Proxy, LLC, DomainsByProxy.com / VR PRODUCTS I LLC*, WIPO Case No. [D2021-1486](#) (declining to find RDNH because a "request for a finding of Reverse Domain Name Hijacking is an equitable remedy, and equitable relief should only be available to a party who comes before a panel with clean hands").

Accordingly, the Panel declines to make a finding that the Complaint was brought in bad faith and constitutes an attempt at RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/

David H. Bernstein

Sole Panelist

Date: June 24, 2025