

ADMINISTRATIVE PANEL DECISION

SWATCH AG v. Luo Yuliu

Case No. D2025-2799

1. The Parties

The Complainant is SWATCH AG, Switzerland, represented by The Swatch Group AG, Switzerland.

The Respondent is Luo Yuliu, China.

2. The Domain Name and Registrar

The disputed domain name <store-swatch.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 16, 2025. On July 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 (individual/entity of unknown nature) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 17, 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 July 18, 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 July 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 15, 2025.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on August 20, 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 is a wholly-owned subsidiary of The Swatch Group Ltd which employs approximately 31,000 people across 50 countries and owns watch maker brands including Omega, Breguet, Harry Winston, Hamilton, Tissot, and Rado. Its 2024 net sales were 6.74 billion CHF. The Complainant holds a number of trademark registrations for the SWATCH mark, including United States Trademark Registration Number 1356512 registered on August 27, 1985; Chinese Trademark Registration Number 232954 registered on September 15, 1985; Japanese Trademark Registration Number 2184860 registered on October 31, 1989; and International Trademark Registration Number 506123 registered on September 9, 1986.

The Respondent appears to be an individual with an address in China.

The disputed domain name was registered on September 22, 2022 and is connected to a website displaying Swatch-branded watches for sale and the Complainant's logos in the website header.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the SWATCH mark in which it has registrations since it encompasses the entirety of the Complainant's SWATCH mark combined with the term "store" which is insufficient to dispel confusing similarity.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant further contends that the Respondent is selling watches bearing the SWATCH mark on the website linked to the disputed domain name for prices discounted up to 60%, which suggests that the Respondent is dealing in counterfeits or even simply taking money without providing any goods at all. The Complainant also contends that the Oki Data Test does not apply, since the website does not disclose the fact that there is no relationship with the Complainant, while prominently displaying the Complainant's logos on the website and thus, misleading Internet users into believing that it is operated or endorsed by the Complainant and/or otherwise affiliated with the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the website linked to the disputed domain name is a blatant copy of the Complainant's official website and that it constitutes bad faith registration and use of the disputed domain name. The Complainant also contends that the Respondent used the disputed domain name to either sell counterfeit goods or defraud Internet users, which constitutes bad faith.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms – here, “store” – may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

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

The Complainant submits that the Respondent is making commercial use of the disputed domain name as it resolves to a website purportedly offering Swatch watches, which has not been rebutted by the Respondent. Panels have recognized that resellers and distributors using a domain name containing the brand owner's trademark to undertake sales of the brand owner's goods may be making bona fide offering of goods and services and thus have a legitimate interest in such domain name, as long as the following conditions are met under the “Ok! Data test”:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder;
- and
- (iv) the respondent must not try to “corner the market” in domain names that reflect the trademark.

Here, the Respondent fails on condition (iii) as the website does not provide any disclaimer on the nature of the relationship between the Respondent and the Complainant. Therefore, the Respondent does not have rights or legitimate interests to the disputed domain name and the Respondent's use of the disputed domain name cannot fall under fair use.

The Complainant claims that the Swatch goods offered on the website may be counterfeit, but have submitted no evidence to support this claim. As discussed above, even if those goods were genuine, the use of the disputed domain name would fail the Oki Data test.

Moreover, the nature of the disputed domain name carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent has used the disputed domain name – which includes the famous marks of the Complainant – to sell Swatch watches which are the very goods for which the Complainant's marks are used and known. This is a textbook example of registration and use in bad faith as provided in paragraph 4(a)(iv) of the Policy: “by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.”

Specifically, it is very likely that the Respondent registered the disputed domain name specifically to attract Internet visitors looking for Swatch watches to its website through the confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <store-swatch.com> be transferred to the Complainant.

/Ik-Hyun Seo/

Ik-Hyun Seo

Sole Panelist

Date: September 3, 2025