

ADMINISTRATIVE PANEL DECISION

Telefonaktiebolaget LM Ericsson v. 苏剑锋 (su jian feng)
Case No. D2025-3324

1. The Parties

The Complainant is Telefonaktiebolaget LM Ericsson, Sweden, represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is 苏剑锋 (su jian feng), China.

2. The Domain Name and Registrar

The disputed domain name <ericsson-online.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 19, 2025. On August 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 20, 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 (guang dong, CN) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 20, 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 August 21, 2025.

On August 20, 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 August 21, 2025, the Complainant requested that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 18, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on September 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

The Complainant was founded in 1876 and is a leading global provider of communication technology and services around the world. The Complainant has large, nearly global business operations and in the second quarter of 2025, the Complainant achieved net sales of SEK 56.1 billion and an EBIT of SEK 6.4 billion. The Complainant is listed on Nasdaq Stockholm and NASDAQ in New York and employs over 91,000 people worldwide.

The Complainant provides evidence that it owns an extensive international trademark portfolio for the ERICSSON marks, including but not limited to: Chinese trademark registrations No. 771582 (registered on November 14, 1994 in class 36 and No. 3124289 (registered on June 21, 2003) in class 16 with the China National Intellectual Property Administration (CNIPA); United States of America registration No. 1313196 (registered on January 18, 1985) in class 9 with the United States Patent and Trademark Office (USPTO); Australian registration No. 322638 (registered on October 3, 1978) in class 9 with IP Australia; and European Union registration No. 000107003 (registered on March 23, 1999) in the European Union Intellectual Property Office (EUIPO) covering a broad range of classes, including 9, 11, 16, 35, 36, 37, 38, 39, 41, and 42. The Complainant also owns a portfolio of domain name registrations incorporating those marks, such as <ericsson.com>, registered since 1989.

The Panel notes that the Complainant's ERICSSON marks have already been recognized as well-known marks by various panels applying the Policy, see for example, *Telefonaktiebolaget LM Ericsson v. Younes Mersioui, Meilleurs Offres LTD*, WIPO Case No. [D2024-0513](#) and *Telefonaktiebolaget LM Ericsson v. eryuesheng song*, WIPO Case No. [D2024-0019](#). The Panel agrees with this assessment.

The disputed domain name was registered on December 27, 2024 and the Complainant provides evidence that it directed to the website displaying the Complainant's ERICSSON trademark, without authorization, alongside the logos of other competing brands, in relation to the sale of communication devices and valves. The Complainant also provides evidence that the disputed domain name is offered for sale on the domain name marketplace Sedo for USD 35,424. The Panel notes that on the date of this Decision, the disputed domain name directs to an inactive 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 name.

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to its ERICSSON trademark in which the Complainant has established rights through numerous registrations across many jurisdictions. The Complainant argues that the disputed domain name exactly captures its trademark with only the addition of a generic term "online" and a hyphen, which do not negate confusing similarity under UDRP standards. The Complainant relies on established WIPO Overview of WIPO Panel

Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) that disregards the Top-Level Domain and generic additions in assessing confusing similarity, asserting the disputed domain name clearly infringes the Complainant’s trademark rights.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant relies specifically on the *Oki Data* test, which sets out cumulative criteria for legitimate reseller or distributor use of a domain name containing a trademark. The Complainant alleges that the Respondent fails this test by selling both ERICSSON and competitors’ goods at the disputed domain name site, failing to provide disclaimer of lack of affiliation. The Complainant also refers to the Respondent’s offering for sale of the disputed domain name at a high price, which evidences lack of a bona fide use and rights. The Complainant argues that this supports the Complainant’s position that the Respondent has no rights or legitimate interests under Policy, paragraph 4(a)(ii).

Regarding bad faith registration and use, the Complainant asserts that the Respondent registered the disputed domain name well after the Complainant’s trademark rights and first use, which indicates knowledge of the trademark. The Respondent’s use of a confusingly similar domain name resolving to a website displaying its logo without authorization and simultaneously offering competitors’ products creates consumer confusion for commercial gain. The Complainant also references a prior UDRP case (*Telefonaktiebolaget LM Ericsson v. 苏剑锋 (su jian feng)*, WIPO Case No. [D2024-3573](#) regarding the domain name <ericsson-global.com>) involving the Respondent with nearly identical abusive conduct, demonstrating a pattern of bad faith. The Complainant also claims that the Respondent’s attempt to sell the disputed domain name for significant profit further confirms the bad faith nature of registration and use, warranting a transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name 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.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant is unable to communicate in Chinese, and translating the Complaint would cause unfair disadvantage, significant additional costs and delays for the Complainant. The Complainant also notes that the proceeding is urgent because of the abusive nature of the website at the disputed domain name, offering products including unauthorized goods purporting to be the Complainant’s, and competing brands, thereby risking further harm to the Complainant and consumers. The Complainant also argues that the disputed domain name is comprised of Latin characters and features all website content in English, that the dominant term “ericsson” carries no meaning in Chinese, and prior correspondence between the Parties in the previous UDRP case was in English, and English was accepted as the case language, see *Telefonaktiebolaget LM Ericsson v. 苏剑锋 (su jian feng)*, *supra*.

The Respondent did not make any specific 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 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.

6.2 Findings on the Merits

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 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 another term here, “-online”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 Panel also notes that the record contains no evidence showing that the Respondent is commonly known by the disputed domain name or making any legitimate noncommercial or fair use of the disputed domain name, or any preparations for such use. To the contrary, having regard at the previous use of the disputed domain name by the Respondent, the Panel notes that the Respondent was using the disputed domain name to host a website displaying the Complainant's well-known mark and offering for sale an array of third-party commercial products which are clearly in the same business sector as the Complainant's products (i.e., communication devices and valves) as well as the Complainant's products, without displaying any accurate and prominent disclaimer regarding the absence of the relationship between the Parties. The Panel is of the view that the foregoing elements illustrate that the Respondent was not acting as a good faith provider of goods or services under the disputed domain name, see also *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

The Panel also notes that the disputed domain name currently directs to an inactive website. In this regard, the Panel finds that holding a domain name passively, without making any use of it, also does not confer any rights or legitimate interests in the disputed domain name on the Respondent in this case. See in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#).

Finally, the Panel finds that the nature of the disputed domain name, being confusingly similar to the Complainant's trademarks and containing the descriptive term "-online", carries a risk of implied affiliation and cannot constitute fair use, as it effectively impersonates the Complainant or suggests sponsorship or endorsement by the Complainant. See [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 registered the disputed domain name which is confusingly similar to the Complainant's well-known, intensely used, and distinctive trademark ERICSSON. The Panel infers from this fact that by registering the disputed domain name, the Respondent deliberately and consciously targeted the Complainant's prior well-known trademarks for ERICSSON. The Panel finds that this creates a presumption of bad faith. In this regard, the Panel refers to the [WIPO Overview 3.0](#), section 3.1.4, which states "[p]anel[s] have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." Furthermore, the Panel also notes that the Complainant's trademarks were registered years before the registration date of the disputed domain name and could easily be identified by the Respondent by a simple Internet search or trademark search. The Panel infers from these elements that the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks at the time of registering the disputed domain name. In the Panel's view, these elements indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

Further, taking into account the previous use of the disputed domain name by the Respondent, and the composition of the disputed domain name itself, the Panel accepts that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online 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 that website or location. This is direct evidence of use in bad faith under the Policy, paragraph 4(b)(iv). Additionally, the Panel has also considered the Complainant's evidence that the disputed domain name was listed on the domain name marketplace Sedo for an asking price of over USD 35,424, which far exceeds the reasonable out-of-pocket expenses associated with registration. The Panel finds that such conduct also constitutes evidence of bad faith registration and use under paragraph 4(b)(i) of the Policy.

As to the current use of the disputed domain name, namely directing Internet users to an inactive website, 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 and well-known nature of the Complainant's trademark, the composition of the disputed domain name, and the unlikelihood of any future good faith use of the disputed domain name by the Respondent, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Finally, the Panel also agrees with the Complainant that the Respondent has been involved in a prior case under the UDRP, namely *Telefonaktiebolaget LM Ericsson v. 苏剑锋 (su jian feng)*, supra, with very similar facts of abusive conduct, thereby demonstrating a pattern of bad faith behavior.

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 <ericsson-online.com> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: September 30, 2025