

## **ADMINISTRATIVE PANEL DECISION**

NextGen Fast Fashion Limited v. Apps 0049

Case No. D2025-3846

### **1. The Parties**

The Complainant is NextGen Fast Fashion Limited, India, represented by ZeusIP Advocates LLP, India.

The Respondent is Apps 0049, India, represented by Mahtta & Co., India.

### **2. The Domain Name and Registrar**

The disputed domain name <sheinindia.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 September 22, 2025. On September 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 25, 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 September 29, 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 September 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2025. The Response was filed with the Center on October 20, 2025.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on October 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**

The Complainant is a subsidiary of Reliance Retail Limited and runs an online retail portal offering fashion and lifestyle products under the SHEIN trademark. Roadget Business Pte Ltd. is the owner of the SHEIN trademark. The Complainant has an exclusive license agreement with Roadget Business Pte Ltd. to use the SHEIN trademark in India. The Complainant entered into a license agreement and started marketing SHEIN products in India since February 2025.

Roadget Business Pte Ltd. has a large portfolio of trademark registrations for the SHEIN marks in several jurisdictions. Some of the SHEIN registered trademarks include:

SHEIN word mark, Indian trademark registration number 3564102, dated June 6, 2017, classes 25 and 35.

SHEIN word stylized mark, Indian trademark registration number 4205723, dated June 13, 2019, classes 25 and 99.

SHEIN X device mark United States of America trademark registration number 6924659 dated December 13, 2022, class 25.

Roadget Business Pte Ltd. registered the domain name <shein.com> in the year 1998. The Complainant's parent company Reliance Retail Limited owns the domain name <sheinindia.in> since 2024. The Complainant has a mobile site and a corresponding mobile application for its business.

The Respondent is located in the Indian city of Chandigarh and claims to be an entrepreneur. Details regarding the Respondent's business name or the Respondent's business area such as products or services that are offered by the Respondent's business are not disclosed.

The disputed domain name was registered on June 5, 2017, and it resolves to an inactive page. There is no evidence on record to show that the disputed domain name has been used by the Respondent since it was registered in 2017.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the SHEIN trademark was adopted in 2012 by Roadget Business Pte Ltd. and it has been used continuously and extensively in connection with online fashion and lifestyle products. The Complainant contends that SHEIN is an internationally well-known mark, and its numerous trademark registrations across several jurisdictions demonstrate its wide international use. The Complainant states that the mark has been used in India since 2017.

The Complainant contends that Roadget Business Pte Ltd., which is headquartered in Singapore, serves customers in 150 countries and has about 16,000 employees. Roadget Business Pte Ltd. also has 20 global offices and has operational centers in cities such as Los Angeles, Sao Paulo, Dublin, Paris, Washington, Guangzhou, London, and Singapore.

The Complainant contends that SHEIN has a significant number of followers on social media pages and has garnered extensive media attention, and it is regularly featured in numerous articles and blogs. The Complainant contends that lifestyle influencers play a pivotal role in the visibility of its products. The Complainant adds that SHEIN has been the subject of study papers in institutions such as Harvard University.

Notably, the Complainant argues that the disputed domain name is confusingly similar to the trademark. The Complainant further argues that the Respondent lacks rights or legitimate interest in the disputed domain name and has registered the disputed domain name in bad faith. The Complainant submits that the non-use of the disputed domain name indicates bad faith under the given circumstances.

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

## **B. Respondent**

The Respondent contends that she is an Indian citizen and is an entrepreneur and that the registration of the disputed domain name is “bona fide, arbitrary and in good faith”. The Respondent alleges that she was not aware of any business or trademark under the name “SHEIN” at the time of registration of the disputed domain name.

The Respondent contends that the disputed domain name has not been used since its registration, and it has not been offered for sale or used to attract customers referencing the Complainant. The Respondent further states that the disputed domain name will not be used in relation to clothing, fashion or any goods or services related to the Complainant’s line of business.

The Respondent further contends that the Complainant’s e-commerce platform SHEIN was banned in India in June 2020 by the Indian government for national security reasons, and the Complainant had “no lawful presence in India” from 2020 till its relaunch in 2025. The Respondent argues that the disputed domain name registration precedes any commercial activity or goodwill of the Complainant in India, and argues that the present Complaint is misconceived.

The Respondent contends that the disputed domain name is not confusingly similar to the Complainant’s trademark, arguing that the term “india” distinguishes it from the mark. The Respondent claims the disputed domain name’s intended future use would be unrelated to the Complainant’s business of fashion and apparel. The Respondent cites Indian trademark cases and argues that there is no likely hood of confusion when the goods and services are different. The Respondent claims rights and legitimate interests in the disputed domain name stating that it has not been not been used to mislead people, citing the case *Ok! Data Americas, Inc. v. ASD Inc.* WIPO Case No. [D2001-0093](#).

The Respondent refutes that the disputed domain name was registered or used in bad faith, arguing that it was not offered for sale or used for purposes of attracting and diverting Internet users. The Respondent reiterates that the Complainant did not have a business presence, registration or operation in India due to the government ban in 2020, and therefore lacks “lawful standing or active goodwill” for several years till the re-launched of the business in 2025.

The Respondent does not consent to the transfer or cancellation of the disputed domain name and requests for a finding of Reverse Domain Name Hijacking.

## **6. Discussion and Findings**

Three elements that need to be established by the Complainant, in order to obtain the remedy of transfer of the disputed domain name under paragraph 4 (a) of the Policy are:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) The Respondent lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the Respondent.

### **The Complainant who is a trademark licensee has the standing to file the Complaint**

The Respondent has submitted that the Complainant does not have a standing or right to file the present Complaint as the disputed domain name was registered prior to the Complainant's use of the mark as a licensee. It is well established under the UDRP that a licensee of a trademark holder is considered to have rights in the trademark and this proposition has been upheld in numerous previous cases; here the Complainant is moreover an exclusive licensee. See for instance *Boot Royalty Company, L.P and Justin Brands, Inc. v. Purple Bucquet*, WIPO Case No. [D2010-2017](#).

A trademark licensee can take action, and the key factor is the prior existence and reputation of the trademark itself, not the date of license agreement or the date of the disputed domain name registration. An exclusive trademark licensee is considered to have rights in a trademark under the UDRP for the purposes of standing to file a Complaint. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.4.1. A complainant who is a licensee of the trademark is entitled to file a Complaint and seek the remedy under the Policy, namely the transfer of the domain name, see *Telcel.C.A v jerm and Jhonattan Ramirez*, WIPO Case No. [D2002-0309](#).

### **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.

Evidence provided by the Complainant shows that it has an exclusive license to use the SHEIN mark in India. An exclusive trademark licensee is considered to have rights in a trademark under the UDRP for the purposes of standing to file a complaint. [WIPO Overview 3.0](#), section 1.4.1. Accordingly, the Panel finds the Complainant has shown rights in respect of the trademark for the purposes of the Policy.

The Panel notes that the trademark owner has several trademark registrations in numerous countries. Noting in particular the global nature of the Internet and Domain Name system, the jurisdictions where the trademark is valid is not considered relevant to a panel's assessment under the first element. Also, the goods and services for which the mark is registered or used in commerce, the filing / priority date, the date of registration, and the date of claimed first use, are not considered relevant to the first element test. These factors may however bear further substantive determination under the second and third elements. [WIPO Overview 3.0](#), section 1.1.2.

While the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the Complaint is filed. [WIPO Overview 3.0](#), section 1.1.3. The fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element. [WIPO Overview 3.0](#), section 1.1.3.

The Panel finds that SHEIN mark is reproduced within the disputed domain name along with the term "india". The mark is recognizable within the disputed domain name. The addition of the term "india" does not distinguish the disputed domain name or 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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

Paragraph 4 (c) of the Policy sets forth the following circumstances where a respondent may have rights or legitimate interests in the disputed domain name.

- (i) Before any notice to the respondent of the dispute, the use by the respondent of demonstrable preparations to use the domain name in connection with a bona fide offering of goods and services, or
- (ii) The respondent, as an individual, business or other organization has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights, or
- (iii) The respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Having reviewed the available record, the Panel finds there is no evidence that the Respondent is commonly known by the disputed domain name or a business name that corresponds to the disputed domain name. As the disputed domain name was not used, the question of its use in connection with a bona fide offering of goods and services or for any legitimate noncommercial fair use does not arise under the circumstance.

The Panel notes that although the Respondent has made submissions regarding intention to use the disputed domain name in the future, the Respondent has not provided any evidence of any demonstrable preparations to use the domain name in a legitimate manner. The Respondent has also stated that such future use will be in an area different from the Complainant's area of business, but has not provided any evidence or details of the alleged business or the products and services of the alleged business. The Respondent has also not provided any reasons for the non-use of the disputed domain name for the period of nearly eight years since its registration.

As the Respondent has failed to provide relevant material evidence, the Panel can merely draw inference from such omission. Furthermore, it is well established that future legitimate use of the domain name is not a valid defense when it does not address the Respondent's present lack of legitimate rights or interests in the disputed domain name.

The Respondent has relied on *Oki Data Americas, Inc. v. ASD Inc.*, supra, arguing that the disputed domain name has been registered for bona fide purposes and has not been used to divert customers unfairly. The Panel finds the *Oki Data* case is inapplicable to the facts in the present case, as *Oki Data* would apply in cases when the respondent uses the disputed domain name to actually sell the trademarked products. The disputed domain name has never been used, and the Respondent has admitted this fact. Therefore, the reference to the *Oki Data* case is based on an inaccurate premise, and will not apply to the facts in the present case.

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 provided any evidence of actual or contemplated good faith use of the disputed domain name 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.

In the present case, the material on record demonstrates that the SHEIN mark is a widely known mark internationally. It is significant that the disputed domain name uses the term "india" with the mark. The timing of the registration of the disputed domain name is also significant, as it corresponds with SHEIN's initial entry into the Indian market in the year 2017. Furthermore, the disputed domain name was registered just one day prior to the trademark owner filing the Indian trademark.

Given the circumstances in the present case, it is not unreasonable to infer that the Respondent has knowingly registered the disputed domain name containing the SHEIN mark with the term "india", in anticipation of the trademark use in India. Under the Policy, domain names registered in anticipation of trademark rights, are found to be registration in bad faith, [WIPO Overview 3.0](#) Section 3.8.2. The Respondent ought to have known that the disputed domain name consisted of the trademark when registering the disputed domain name.

The Panel is satisfied that the overall circumstances of the case and the balance of probabilities indicate that the disputed domain name was registered in bad faith and is used in bad faith for the reasons: (i) The mark is a fanciful mark has been used by the trademark owner in many jurisdictions as an identifier of source before the registration of the disputed domain name (ii) the timing of registration of the disputed domain name corresponds to the time when the mark was first introduced in India (iii) the non-use of the disputed domain name by the Respondent and the Respondent's failure to provide any explanation for the passive holding of the disputed domain name for about eight years (iv) the Respondent has not provided details and supporting evidence regarding the area of business and the intended use the disputed domain name in future, but has merely made unsupported statements without any evidence.

The disputed domain name would misrepresent to a typical Internet user that any website that is operated using the disputed domain name is either associated or endorsed by the trademark owner or its authorized licensees. Further, the Respondent's failure to provide evidence of actual or contemplated good faith use supports a finding that the registration and use of the disputed domain name constitute bad faith under the Policy.

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 composition of the disputed domain name, 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.

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

#### **D. Reverse Domain Name Hijacking**

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 Reverse Domain Name Hijacking (RDNH) or to harass the domain-name holder, the Panel can find 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.

Reverse Domain Name Hijacking as per paragraph 1 of the Rules is the use of the Policy in an attempt to deprive a registered domain name holder of a domain name in bad faith. A finding of RDNH is warranted only when it is clear that the Complainant could not establish one of the three elements under the Policy, or where there has been an attempt to mislead the Panel or to use the Policy in an unfair manner. Such is not the case here, as the Complainant has established the three elements under the Policy.

The Panel finds that the Complaint has not been brought in bad faith and does not constitute an attempt at Reverse Domain Name Hijacking.

#### **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 <sheinindia.com> be transferred to the Complainant.

*/Harini Narayanswamy/*

**Harini Narayanswamy**

Sole Panelist

Date: November 10, 2025