

## **ADMINISTRATIVE PANEL DECISION**

Rogue Wave Software, Inc. v. yang li min  
Case No. D2025-4119

### **1. The Parties**

The Complainant is Rogue Wave Software, Inc., United States of America (“United States”), represented by Fredrikson & Byron, P.A., United States.

The Respondent is yang li min, China.

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

The disputed domain name <zend-fr.org> is registered with Gname 270 Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on October 8, 2025. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 13, 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 in English on October 16, 2025.

On October 13, 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 October 16, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 October 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 10, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on November 17, 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 develops and offers software, including web-based repository management, developer collaboration, and application management tools. It develops and offers the Zend software suite, which provides enterprise solutions for PHP (a scripting language) development, deployment, and management. The Complainant holds United States trademark registration number 2638052 for ZEND, registered on October 22, 2002 with a claim of first use in commerce in July 1999, specifying certain computer software in class 9. The Complainant also holds United States trademark registrations for various other ZEND-formative marks. The Complainant registered the domain name <zend.com> on December 14, 1998 that it uses in connection with a website that prominently displays the ZEND mark with a triangular device. The website offers the Complainant's software and services, including "ZEND Admin as a Service" and "PHP Auditing Services". A contact button links to a "Zend PHP Administration Expert". The "Company" menu on the website links to the website of the Complainant's parent company, Perforce.

The Respondent is an individual based in China.

The disputed domain name was registered on November 30, 2024. At the time when the Complaint was filed, it resolved to a website in English that prominently displayed the ZEND mark with a double triangular device. The website reproduced whole sections of text from the Complainant's website and offered software and services, including "ZEND Admin as a Service" and "PHP Auditing Services". A contact button ostensibly linked to a "Zend PHP Administration Expert". The home page headers and footer referred to "Zend by Perforce". At the time of this Decision, the disputed domain name no longer resolves to any active website; rather, it is passively held.

#### **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 the Complainant's ZEND trademark. The Respondent uses the Complainant's trademarks and other intellectual property throughout its website, claiming to sell and/or service the Complainant's software products.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name promotes or suggests a connection or relationship between the Parties where none exists. The Complainant has never authorized the Respondent to register or use the disputed domain name or to provide any goods or services for the Complainant.

The disputed domain name has been registered and is being used in bad faith. The Respondent is using the Complainant's mark in the disputed domain name as a principal identifier of its website and services. By using the disputed domain name, and creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's goods, the Respondent has intentionally attempted to attract visitors to its website or location for commercial gain.

## **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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is in Latin characters; the content of the associated website is in English; the Complainant is not familiar with Chinese and will suffer unwarranted delay and burden if required to translate the Complaint into Chinese; the Respondent has controlled other domain names registered and/or used in English; and the Respondent has been involved in other UDRP proceedings conducted in English.

The Respondent did not make any submission with respect to the language of the proceeding or express any interest in otherwise participating in 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 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. The Panel would have accepted a Response in Chinese, but none was filed.

### **6.2. Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (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.

#### **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. See [WIPO Overview 3.0](#), section 1.7.

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

The entirety of the ZEND mark is reproduced within the disputed domain name. Despite the addition of the letters "fr" (a reference to "France") separated from the mark by a hyphen, the mark remains clearly recognizable within the disputed domain name. The only additional element in the disputed domain name is a generic Top-Level Domain ("gTLD") extension (.org) which, as a standard requirement of domain name registration, may be disregarded in the assessment of confusing similarity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.8, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name combines the Complainant's ZEND mark with a geographical reference to France, giving the impression that it will resolve to a website for the Complainant's customers in France. At the time when the Complaint was filed, the disputed domain name resolved to a website that prominently displayed the Complainant's ZEND trademark and reproduced whole sections of text from the Complainant's website, giving the impression that it was operated by the Complainant and that it offered the Complainant's products and services. The Complainant confirms that it has never authorized the Respondent to register or use the disputed domain name or to provide any goods or services for the Complainant. At the time of this Decision, the disputed domain name is passively held. None of these circumstances indicates that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Nor that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the use of a domain name for illegitimate activity such as impersonation or passing off never confers rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

Further, the Registrar has verified that the Respondent's name in the Whois database is "yang li min", which does not resemble the disputed domain name. Nothing indicates that the Respondent has been commonly known by the disputed domain name.

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.

Based on the record, 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 disputed domain name was registered in 2024, years after the registration of the Complainant's ZEND mark. The disputed domain name incorporates that mark with only a geographical reference and a gTLD extension. The mark is a coined term with no apparent meaning other than as a reference to the Complainant and its products and services. The disputed domain name formerly resolved to a website that prominently displayed the ZEND mark and reproduced whole sections of text from the Complainant's website, including the Complainant's product names, which shows that the Respondent is familiar with the Complainant and its mark. In view of these circumstances, the Panel finds that the Respondent registered the disputed domain name with the Complainant and its ZEND mark in mind.

As regards use, the disputed domain name was used at the time when the Complaint was filed in connection with a website that gave the false impression that it was operated by the Complainant and that it offered the Complainant's products and services. Use of a domain name for illegitimate activity, such as impersonation or passing off, as here, constitutes bad faith. See [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel notes that the use of the disputed domain name has recently changed and that it no longer resolves to any active website. This change in use does not alter the Panel's conclusion; if anything, it may be a further indication of bad faith.

Therefore, 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 <zend-fr.org> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: November 26, 2025