ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Shenzhen Cacuq Technology Co., Ltd. v. 刘小春 (Xiao Chun Liu), 涂川 (tu chuan)
Case No. D2026-3762

1. The Parties

The Complainant is Shenzhen Cacuq Technology Co., Ltd., China, internally represented.

The Respondents are 刘小春 (Xiao Chun Liu), China (the "First Respondent"), and 涂川 (tu chuan), China (the "Second Respondent").

2. The Domain Names and Registrars

The disputed domain name <fogeretch.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn). The disputed domain name <fogertecn.com> is registered with West263 International Limited. Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) and West263 International Limited are hereinafter referred to as the "Registrar".

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 22, 2026. On August 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 25, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (The registrants of the below-listed disputed domain names) and contact information in the Complaint.

On August 26, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain names is Chinese. On August 26, 2026, the Complainant requested English to be the language of the proceeding. The Respondents did not submit any comment on the Complainant's submission.

The Center sent an email communication to the Complainant on August 26, 2026 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed amended Complaints in English respectively on August 26, 2026 and August 31, 2026.

The Center verified that the Complaint together with the amended Complaints 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 Respondents in Chinese and English of the Complaint, and the proceedings commenced on September 1, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 21, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on September 25, 2026.

The Center appointed Linda Chang as the sole panelist in this matter on October 1, 2026. 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.

In the course of reviewing the case file, the Panel notes that the Complainant submitted United States of America ("United States") Trademark FOGER Registration No. 5493598 and Chinese Trademark FOGER Registration No. 56763076A. However, the Panel finds that the United States Trademark Registration is currently owned by Foger Hong Kong Limited, rather than the Complainant, and the Chinese Trademark Registration is subject to invalidation proceedings.

On October 19, 2026, the Panel issued Procedural Order No.1, requesting that the Complainant, by October 24, 2026, either (i) confirm that it is authorized by the current owner of the United States Trademark Registration No. 5493598 for FOGER, namely Foger Hong Kong Limited, to file and maintain this Complaint, or submit evidence demonstrating its relationship with the current trademark owner; or (ii) provide an update on the current status of Chinese Trademark Registration No. 56763076A for FOGER and the status of the related invalidation proceedings. The Respondents were granted the opportunity to submit comments on the Complainant's submission by October 29, 2026.

On October 22, 2026, the Complainant responded to Procedural Order No.1 and submitted several documents, including a document named "GENERAL LETTER OF AUTHORIZATION", issued by Foger Hong Kong Limited, expressly authorizing the Complainant to use the FOGER mark and to proceed with the Complaint in the name of the Complainant, and consenting to the relief sought in this proceeding, including the transfer of the disputed domain names to the Complainant. Additionally, the Complainant confirmed that the Chinese Trademark Registration No. 56763076A had been declared invalid and that the invalidation decision had been upheld on appeal and had become final. The Respondents did not submit any comments on the evidence submitted by the Complainant.

4. Factual Background

The Complainant is a company based in Shenzhen, China, engaged in the electronic cigarette business. It operates under the FOGER brand in connection with electronic cigarette products and maintains its official website at the domain name <fogertech.com>, which was registered on July 4, 2018.

The Complainant initially registered the United States trademark Registration No. 5493598 for FOGER on June 12, 2018, in class 34. This trademark was assigned to the current owner, Foger Hong Kong Limited, in January 2025.

The "GENERAL LETTER OF AUTHORIZATION" executed by Foger Hong Kong Limited and submitted by the Complainant shows that Foger Hong Kong Limited authorized it, in writing, to use the FOGER trademark and to institute, maintain and conclude the Complaint in the Complainant's own name, including the power to request and receive the transfer of the disputed domain names. In particular, the "GENERAL LETTER OF AUTHORIZATION" authorizes the Complainant to take all necessary or appropriate steps for the protection of the FOGER trademark against domain name infringement and cybersquatting. Clause four expressly extends that authorization to the currently pending Complaint. The Panel's own search[1] further indicates that the Complainant and Foger Hong Kong Limited are affiliated companies.

The First Respondent, 刘小春 (Xiao Chun Liu), registered the disputed domain name <fogertecn.com> on November 8, 2025. The Second Respondent, 涂川 (tu chuan), registered the disputed domain name <fogeretch.com> on October 28, 2025. At the time of this Decision, the disputed domain name <fogertecn.com> resolves to an inactive website, and the disputed domain name <fogeretch.com> resolves to a blank website. According to the evidence submitted by the Complainant, both disputed domain names previously resolved to virtually identical websites displaying the FOGER trademark, a verification QR code, the Complainant's official website address, "www.fogertech.com", and an email address ending in "@fogertech.com". These elements also appeared on the Complainant's official 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 names.

Notably, the Complainant contends that:

i) both disputed domain names are confusingly similar to the FOGER trademark, as they incorporate the FOGER trademark in its entirety, together with the terms "tecn" and "etch", respectively, both of which are one-letter misspellings of the term "tech";

ii) the Respondents are not authorized to use the FOGER trademark and have not been commonly known by the disputed domain names;

iii) the Respondents use the disputed domain names to reproduce content from the Complainant's official website, which constitutes impersonation for commercial purposes rather than legitimate use;

iv) the Respondents registered the disputed domain names long after the FOGER trademark was registered and used the disputed domain names to impersonate the Complainant's official website, thereby misleading consumers for commercial gain. Accordingly, the Respondents registered and are using the disputed domain names in bad faith.

B. Respondents

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

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[1] Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

6. Discussion and Findings

6.1. Procedural Issues

A. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain names registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. WIPO Overview 3.1, section 4.11.2.

As regards common control, the Panel notes that (i) both disputed domain names previously resolved to virtually identical websites containing the same content, including content identical to that displayed on the Complainant's official website; (ii) the IP addresses of both disputed domain names are the same; (iii) both disputed domain names share a similar naming pattern; and (iv) the same email address appeared on the websites at the disputed domain names. In these circumstances, the Panel is satisfied that, on the balance of probabilities, both disputed domain names are under common control.

As regards fairness and equity, the Panel sees no reasons why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

B. Language of the Proceeding

The language of the Registration Agreement for the disputed domain names 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 i) both disputed domain names contain Latin characters and the websites associated with the disputed domain names previously contained English content; and ii) the Respondent may file submissions in Chinese.

The Respondent did not make any specific submissions with respect to the language of the proceedings.

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 3.1, 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 proceedings shall be English. See *Williams-Sonoma, Inc. v. Junhao Luo,* WIPO Case No. D2025-1049.

6.2. Substantive Issues

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 names. WIPO Overview 3.1, section 1.7.

The Complainant is authorized by the trademark owner of United States Trademark Registration No. 5493598 for FOGER, Foger Hong Kong Limited, to use the FOGER mark to file and maintain this Complaint. The Complainant and Foger Hong Kong Limited are affiliated companies. Therefore, the Panel considers that the Complainant has standing to file the Complaint. WIPO Overview 3.1, section 1.4.

The generic Top-Level Domain ("gTLD") ".com", as a standard registration requirement, may be disregarded in the assessment of confusing similarity under the Policy. WIPO Overview 3.1, section 1.11.1.

The entirety of the FOGER trademark is reproduced within the disputed domain names. While the terms "tecn" and "etch" are included, respectively, the FOGER trademark remains clearly recognizable in the disputed domain names. The Panel finds that the addition of the terms "tecn" and "etch" does not prevent a finding of confusing similarity between the disputed domain names and the FOGER trademark. Accordingly, the disputed domain names are confusingly similar to the FOGER trademark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 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 the disputed domain names.

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 3.1, section 2.1.

The information in the case file shows that:

- the Respondent is not authorized to use the FOGER trademark in any form;

- there is no evidence proving that the Respondent holds any trademark rights corresponding to the disputed domain names, or has been commonly known by the disputed domain names;

- the disputed domain names previously resolved to virtually identical websites displaying the FOGER trademark, a verification QR code, the Complainant's official website address, "www.fogertech.com", and an email address ending in "@fogertech.com". These elements also appeared on the Complainant's official website. Such use of the disputed domain names indicates the Respondent's intention to mislead Internet users into believing that the websites associated with the disputed domain names are operated or endorsed by the Complainant, which cannot be deemed a bona fide offering of goods or services or a legitimate noncommercial or fair use;

- the compositions of the disputed domain names, incorporating the FOGER trademark in its entirety, followed by the terms "tecn" and "etch", respectively, both of which are misspellings of "tech", make the disputed domain names confusingly similar to the Complainant's domain name <fogertech.com>. Considered alongside the Respondent's previous use of the disputed domain names, these compositions support a finding that the Respondent intended to take unfair advantage of the likelihood of confusion with the FOGER trademark as to the origin or affiliation of the websites associated with the disputed domain names; and

- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain names.

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 names. 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 names 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.

In the present case, the Panel notes that the FOGER trademark was registered as early as June 12, 2018, which long predates the registration dates of the disputed domain names (November 8, 2025, and October 28, 2025). As stated under section 6.2B, the Respondent not only registered the disputed domain names that fully incorporate the FOGER trademark but also used them to host websites that displayed the FOGER trademark, a verification QR code, the Complainant's official website address, "www.fogertech.com", and an email address ending in "@fogertech.com". These elements also appeared on the Complainant's official website. In view of these circumstances, the Panel determines that the Respondent had actual knowledge of the FOGER trademark when registering the disputed domain names, and finds that the disputed domain names were registered 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 3.1, section 3.2.1.

In view of the content previously displayed on the websites associated with the disputed domain names, the Panel finds that the Respondent, by registering the disputed domain names confusingly similar to the FOGER trademark and using them as described above, intentionally attempted to attract, for commercial gain, Internet users to the associated websites by creating a likelihood of confusion with the FOGER trademark as to the source, sponsorship, affiliation, or endorsement of those websites. Such conduct constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

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 names <fogeretch.com> and <fogertecn.com> be transferred to the Complainant.

/Linda Chang/
Linda Chang
Sole Panelist
Date: November 18, 2026