

ADMINISTRATIVE PANEL DECISION

Shenzhen Chitado Technology CO., LTD. v. Domain Manager, AUS GLIDE PTY LTD

Case No. DAU2025-0019

1. The Parties

The Complainant is Shenzhen Chitado Technology CO., LTD., China, internally represented.

The Respondent is Domain Manager, AUS GLIDE PTY LTD, Australia.

2. The Domain Name and Registrar

The disputed domain name <gyroor.com.au> is registered with GoDaddy.com, LLC.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2025. On May 2, 2025, the Center transmitted by email to GoDaddy.com, LLC a request for registrar verification in connection with the disputed domain name. On May 2, 2025, GoDaddy.com, LLC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 9, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was May 29, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2025.

The Center appointed Rebecca Slater as the sole panelist in this matter on June 12, 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 limited liability company headquartered in China. The Complainant specializes in electric scooters, hoverboards, and e-bikes. It sells its products online, including to the Australia market.

The Complainant holds Australian Trade Mark Registration No. 1590636 (registered October 5, 2021), Australian Trade Mark Registration No. 1809533 (registered March 6, 2025) and International Trade Mark Registration No. 1590636 (registered February 23, 2021) for the GYROOR logo mark (the "Trade Mark").

The Complainant provided evidence of screenshots of online sales in the Australian market, invoices, customer reviews, and promotional articles featuring the Trade Mark.

The Respondent is a company apparently located in Australia. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The Respondent registered the disputed domain name on September 10, 2024. The website at the disputed domain name currently displays the Trade Mark and advertises products bearing the Trade Mark for sale.

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 fully incorporates the Trade Mark without alteration. The website at the disputed domain name sells hoverboards and other electric transportation devices, which are the same goods covered by the Trade Mark.
- The Respondent has not made any bona fide use or demonstrable preparations to use the disputed domain name in connection with a genuine offering of goods or services. The Respondent's website misleads consumers through false association with the Trade Mark. The Respondent is not commonly known by the disputed domain name. The Respondent is not making a noncommercial or fair use of the disputed domain name.
- The Respondent has intentionally attempted to attract internet users for commercial gain by creating confusion with the Trade Mark. The Respondent is selling products under the Trade Mark without authorization from the Complainant. The Complainant provided evidence of consumer confusion following purchases of products from the website at the disputed domain name.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name is identical or confusingly similar to a name, trade mark 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 or subsequently used in bad faith.

The onus of proving these elements is on the Complainant even though the Respondent has not filed a formal response.

A. Identical or Confusingly Similar

The disputed domain name is identical to the Trade Mark in which the Complainant has rights. Generally, and as is appropriate in this case, the second and first level domains (i.e., “.com.au”) are disregarded (see section 1.11 of the Overview of Panel Views on Selected auDRP Questions, Second Edition (“auDRP Overview 2.0”).

The Respondent does not contest this point.

The Complainant succeeds on the first element of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(a)(ii) of the Policy provides that the Complainant must establish that the Respondent has no rights or legitimate interests in the disputed domain name. Paragraph 4(c) non-exhaustively lists circumstances that can demonstrate the Respondent’s rights or legitimate interests in the disputed domain name.

In the Panel’s view, the following establish a prime facie case against the Respondent:

- the Complainant has not licensed or otherwise authorized the Respondent to use the Trade Mark;
- there is no evidence to suggest that the Respondent might be commonly known by the disputed domain name; and
- the Respondent has not been making a bona fide use of the disputed domain name and appears to currently be using the website at the disputed domain name to impersonate the Complainant.

The burden of production shifts to the Respondent to provide evidence of its rights or legitimate interests under paragraph 4(c) of the Policy (see, e.g., *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd*, WIPO Case No. [DAU2002-0001](#)). The Respondent has not provided any evidence to demonstrate its rights or legitimate interests in the disputed domain name.

Under these circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The second element of the Policy is satisfied.

C. Registered or Subsequently Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the disputed domain name has been registered or subsequently used in bad faith.

Paragraph 4(b)(iv) of the Policy provides that using the domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant’s name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location may be evidence of bad faith.

The Panel finds it unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given the reputation of the Complainant (including in Australia) and the fact that the disputed domain name is identical to the Trade Mark. The Panel also finds it unlikely that the disputed domain name continues to be used by the Respondent without knowledge of the Complainant and the Trade Mark. Further, the Respondent appears to be using the disputed domain name to attract Internet users for potential gain. This finding is reinforced by the Respondent’s use of the website at the disputed domain name to display the Trade Mark and advertise products bearing the Trade Mark for sale. Moreover,

the Complainant provided uncontested evidence of actual consumer confusion created by the website at the disputed domain name.

The Panel finds the above constitutes registration and use of the disputed domain name in bad faith.

The Complainant succeeds on the third element of the Policy.

7. Decision

For all 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 <gyroor.com.au>, be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: June 17, 2025