

## ADMINISTRATIVE PANEL DECISION

Groupe Adeo v. 许洪钧  
Case No. DCN2024-0025

### 1. The Parties

The Complainant is Groupe Adeo, France, represented by Nameshield, France.

The Respondent is 许洪钧, China.

### 2. The Domain Name and Registrar

The disputed domain name <adeoservices.com.cn> is registered with 厦门易名科技股份有限公司 (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on June 12, 2024. On June 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 2024, the Registrar 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 China ccTLD Dispute Resolution Policy (the "Policy"), the China ccTLD Dispute Resolution Policy Rules (the "Rules"), and the WIPO Supplemental Rules for China ccTLD Dispute Resolution Policy and China ccTLD Dispute Resolution Policy Rules (the "WIPO Supplemental Rules").

In accordance with the Rules, Articles 5 and 6, and Articles 14 to 16, and the WIPO Supplemental Rules, Paragraph 4(d), the Center formally notified the Respondent in Chinese and English of the Complaint, and the proceeding commenced on June 18, 2024. In accordance with the Rules, Articles 17 and 49, the due date for Response was July 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 9, 2024.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on July 15, 2024. 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, Article 29.

## **4. Factual Background**

### **A. Complainant**

The Complainant is a French company specializing in the sale of articles covering all sectors of the home, the development of the living environment and Do it Yourself (“DIY”), under the trade mark ADEO (the “Trade Mark”). The Complainant is the owner of several registrations for the Trade Mark, including International registration No. 930513, designating China, with a registration date of October 13, 2006.

The Complainant’s subsidiary also provides services relating to the goods of the Complainant, under the name Adeo Services.

The Complainant is also the owner of several domain names comprising the Trade Mark, including <adeo.com>, <adeo-services.com> and <adeoservices.cn>.

### **B. Respondent**

The Respondent is an individual resident in China.

### **C. The Disputed Domain Name**

The disputed domain name was registered on December 2, 2023.

### **D. Use of the Disputed Domain Name**

The disputed domain name has not been resolved to any active 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.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **Language of the Proceeding**

Pursuant to Article 6 of the Policy and Article 8 of the Rules, unless otherwise agreed by the parties or determined in exceptional cases by the Panel, the language of the domain name dispute resolution proceeding shall be Chinese.

No agreement has been entered into between the Complainant and the Respondent to the effect that the language of the proceeding should be English.

Article 31 of the Rules provides the Panel with a broad discretion with respect to the conduct of the proceeding. It is important to ensure fairness to the parties and the maintenance of an inexpensive and expeditious avenue for resolving domain name disputes.

The Complainant has requested that the language of the proceeding be English, for several reasons, including the fact the Respondent communicated with the Complainant in English in settlement negotiations regarding this dispute.

The Respondent did not file any response in this proceeding and did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than Chinese, 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.

The Panel finds there is sufficient evidence in support of the conclusion that the Respondent is conversant in English, evidenced by the email communications in English from the Respondent during settlement negotiations prior to the filing of the current Complaint.

The Panel is also mindful of the need to ensure the proceeding is conducted in a timely and cost effective manner.

Having considered all the matters above, the Panel determines that the language of the proceeding shall be English.

#### **A. Identical or Confusingly Similar to the Complainant's Name or Mark in which the Complainant has Civil Rights or Interests**

The Panel finds that the Complainant has rights in the Trade Mark.

Disregarding the country code Top-Level Domain ("ccTLD") ".cn" and Second-Level Domain ("SLD") (.com"), the disputed domain name incorporates the entirety of the Trade Mark with an additional term "services".

The Panel therefore finds that the disputed domain names is confusingly similar to the Trade Mark in which the Complainant has civil rights or interests.

#### **B. Rights or Legitimate Interests**

The Complainant has not authorised, licensed, or permitted the Respondent to register or use the disputed domain name or to use the Trade Mark. The Panel finds on the record that there is therefore a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name, and the burden is thus on the Respondent to produce evidence to rebut this presumption.

The Respondent has failed to show that he has acquired any trade mark rights in respect of the disputed domain name or that the disputed domain name has been used in connection with a bona fide offering of goods or services.

To the contrary, the disputed domain name has not been used in respect of an active website.

There has been no evidence adduced to show that the Respondent has been commonly known by the disputed domain name noting the Respondent's name is 许洪钧, in Chinese pinyin "Xu Hong Jun".

There has been no evidence adduced to show that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name.

Notably, the Respondent also indicated in email correspondence with the Complainant during settlement negotiations prior to the filing of the current Complaint that he was willing to transfer the disputed domain name to the Complainant.

In all the circumstances, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

### **C. Registered or Used in Bad Faith**

In light of the repute of the Trade Mark, and the fact that saving for “.com.cn”, the disputed domain name is identical to both the Complainant’s subsidiary Adeo Services name and the Complainant’s <adeoservices.cn> domain name (disregarding the ccTLD “.cn”), it is inconceivable that the Respondent was not aware of the Complainant and of its rights in the Trade Mark at the time of registration of the disputed domain name.

The Panel also finds that, on the evidence herein, there cannot be any actual or contemplated good faith use of the disputed domain name by the Respondent; this is especially so where the composition of the disputed domain name makes it clear that the Complainant’s mark is being targeted.

For all the foregoing reasons, the Panel concludes that the disputed domain name has been registered or used in bad faith.

### **7. Decision**

For the foregoing reasons, in accordance with Articles 14 of the Policy and 40 of the Rules, the Panel orders that the disputed domain name <adeoservices.com.cn> be transferred to the Complainant.

*/Sebastian M.W. Hughes/*

**Sebastian M.W. Hughes**

Sole Panelist

Date: July 29, 2024