



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2101540
Complainant:	Hangzhou Huihong Technology Co., Ltd. (杭州恢弘科技有限公司)
Respondent:	Cai Ruizhen
Disputed Domain Name(s):	<sloli.com>

1. The Parties and Disputed Domain Name

The Complainant is Hangzhou Huihong Technology Co., Ltd. (杭州恢弘科技有限公司) of Room 1901-1912, Building 2, No. 555 Xincheng Road, Puyan Street, Binjiang District, Hangzhou City, Zhejiang Province.

The Respondent is Cai Ruizhen, of Fujian Xiamen Wanxiang Guoji Shang Wu Zhongxin.

The disputed domain name is <sloli.com>, registered by the Respondent with DropCatch.com 1420 LLC, of 2635 Walnut Street Denver, CO 80205.

2. Procedural History

On 15 September 2021, the Complainant submitted a Complaint to the Hong Kong Office of Asian Domain Name Dispute Resolution Centre (ADNDRC) by email and elected this case to be dealt with by a single-member Panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (the Policy) and the Rules for Uniform Domain Name Dispute Resolution Policy (the Rules) approved by the Internet Corporation for Assigned Names and Numbers (ICANN), and the ADNDRC Supplemental Rules to the ICANN Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by the ADNDRC. On the same day, the ADNDRC Hong Kong Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint.

On 15 September 2021, the ADNDRC Hong Kong Office sent to the Registrar by email a request for registrar verification in connection with the disputed domain name. The Registrar responded to the ADNDRC Hong Kong Office on the same day its verification response, confirming that the Respondent is listed as the registrant; and further provided the Respondent's contact details on 16 September 2021.

On 17 September 2021, the ADNDRC Hong Kong Office notified the Complainant to revise its Complaint based on the information provided by the Registrar. On 22 September 2021, the

Complainant submitted a revised Complaint to the ADNDRC Hong Kong Office.

On 23 September 2021, the ADNDRC Hong Kong Office notified the Complainant that the Complaint has been confirmed and the case officially commenced. On the same day, the ADNDRC Hong Kong Office transmitted by email to the Respondent the Written Notice of the Complaint, which informed that the Complainant had filed a Complaint against the disputed domain name, together with the Complaint and its attachments according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Hong Kong Office notified ICANN and the Registrar of the commencement of the proceedings.

On 27 September 2021, the Respondent submitted by email a request for extending the deadline to file the response. On 28 September 2021, the ADNDRC Hong Kong Office notified the Complainant of the Respondent's request and received the Complainant's comments on the same day. In view of both the Respondent's requests and the Complainant's comments, the ADNDRC Hong Kong Office made a decision to grant a new deadline for the Response and notified the two parties by email on the same day.

On 28 October 2021, the Respondent submitted a Response within the required time and elected this case to be dealt with by a single-member Panel. On the same day, the ADNDRC Hong Kong Office transmitted the Response to the Complainant. Also on the same day, the ADNDRC Hong Kong Office informed the Complainant and the Respondent that the ADNDRC Hong Kong Office would appoint a single-member Panel to proceed to render the decision.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Ms. Julia Hongbo ZHONG, the ADNDRC Hong Kong Office notified the parties on 29 October 2021 that the Panel in this case had been selected, with Ms. Julia Hongbo ZHONG acting as the sole panelist.

On 29 October 2021, the Panel received the file from the ADNDRC Hong Kong Office and was to render a Decision within 14 days, i.e., on or before 12 November 2021.

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. The language of the current disputed domain name Registration Agreement is English; thus, the Panel determined English as the language of the proceedings.

3. Factual background

A. The Complainant

The Complainant in this case is Hangzhou Huihong Technology Co., Ltd. (杭州恢弘科技有限公司). The registered address is Room 1901-1912, Building 2, No. 555 Xincheng Road, Puyan Street, Binjiang District, Hangzhou City, Zhejiang Province. The authorized representative in this case is Hangzhou Chofn Intellectual Property Agency Co., Ltd.

B. The Respondent

The Respondent in this case is Cai Ruizhen. The registered address is Fujian Xiamen Wanxiang Guoji Shang Wu Zhongxin. The Respondent has no authorized representative in this case.

The Respondent is the current registrant of the disputed domain name <sloli.com>, which was registered on 25 September 2019 according to WHOIS information. The Registrar of the disputed domain name is DropCatch.com 1420 LLC.




















4. Parties' Contentions

A. Complainant

The Complainant's contentions are summarized as follows:

- i. The disputed domain name is the same or extremely similar to the trademark or service mark owned by the Complainant, which is likely to cause confusion

As early as 2016, the Complainant filed an application in China and other countries and regions to protect the trademark "sloli", see the list below and *Annex 5: Complainant's Trademark Registration Certificate*. The Complainant has the exclusive right to use the "sloli" trademark in many countries and regions.

Trademark	Application date	Registration time	Trademark number	Class	Country/region
	2016-03-29	2017-05-07	19469141	9	CN
	2016-03-29	2017-05-07	19469159	18	CN
	2016-03-29	2017-05-07	19469171	35	CN
	2016-03-29	2017-05-07	19469221	35	CN
	2016-04-19	2017-06-07	19682734	18	CN
	2016-04-19	2017-08-21	19682838	25	CN
	2018-01-31	2019-02-28	29035658	28	CN
	2018-01-31	2020-02-28	29035682	35	CN
	2018-01-31	2018-12-21	29038848	22	CN
	2018-01-31	2019-02-21	29038915	26	CN
	2018-01-31	2018-12-21	29045376	24	CN
	2018-01-31	2018-12-21	29048232	18	CN
	2018-06-20	2019-06-07	31708003	25	CN
	2018-06-20	2019-04-14	31723311	28	CN
	2018-06-20	2019-04-14	31724779	18	CN
	2018-06-20	2019-04-14	31724782	26	CN
	2018-02-05	2018-09-25	5569424	25	USA
	2018-04-27	2018-09-25	017893221	25	EU
	2018-01-17	2018-10-05	6087050	25	JP

The Complainant is a fitness apparel & accessories manufacturer and online retailer based in China. The trademarks "sloli" owned by the Complainant have had high popularity and influence through years of use.

- The founder of the brand "sloli" is Weibo internet celebrity Chen Jing (the Weibo name is Chen Nuanyang), see *Annex 6: Chen Nuanyang's Weibo homepage*. From 2015 to 2017, "sloli" has sold more than 6 million products, served more than 2 million customers, and accumulated more than 6 million loyal fans.
- The complainant has channels on e-commerce platforms such as Tmall, JD.com, Vipshop, Xiaohongshu, and Mogujie, starting from the beginning of 2017, with the sales increasing from 70 million to 150 million. In 2021 the Complainant's pre-sale totals on the Tmall platform increased by 1104% year-on-year.
- On April 25, 2018, the Complainant opened a special pop-up store in Hangzhou Hubin Yintai in77 shopping mall. In the same year, the complaint became the apparel sponsor of Hangzhou International Women's Marathon. The number of the Complainants' online fans has exceeded 12 million. See *Annex 7: Some media reports*
- Entering "sloli" on search sites, and the search results refer to the Complainant and its brand, see *Annex 8: Search engine results*.

The disputed domain name <sloli.com> is confusingly similar to Complainant's trademarks. Without the suffix ".com", the remaining part of the disputed domain name is "sloli", which is the same as the complainant's trademark "sloli". The Complainant's trademark "sloli" is a combination of the first letter "S" in the English word "sylphlike" and the English word "li". Through extensive use by the complainant, the trademark "sloli" has gained strong distinctiveness and high reputations. The disputed domain name is the same or extremely similar to the trademark or service mark owned by the complainant, which is likely to cause confusion.

- ii. The Respondent has no rights or legitimate interests in respect to the domain name:

The complainant investigated on the official website of China Trademark Office in the name of the respondent "Cai Ruizhen", but no trademark application was found under the name of the respondent. Moreover, the Complainant has never directly or indirectly authorized respondent to use the "sloli" trademark and domain name in any form. The name of the Respondent is "Cai Ruizhen", it is obviously impossible for the Respondent to enjoy the relevant name rights for "sloli". The disputed domain name has not been used since its registration, see *Annex 9: History page*. Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

- iii. The disputed domain name has been registered in bad faith.

The Complainant holds the prior rights of trademark "sloli" with high visibility and reputation. The registration of the disputed domain name <sloli.com> is later than the time when the complainant used the trademark and operated business in China. The Complainant believes that the Respondent was aware of the existence of the Complainant and its trademark at the time of registering the disputed domain name.

The Respondent stocks a number of domain names, see *Annex 10*. Some of the domain names correspond to some well-known brands. For example, the main identifying part of the domain name <exlive.com> corresponds to the trademark "exlive" of the gps monitoring management software; the main identifying part of the domain name

<bionike.com> corresponds to the trademark "bionike" of the cosmeceutical brand from Italy. The complainant believes that the respondent's motive for registering the disputed domain name cannot be in good faith and the respondent is a professional cybersquatter.

In addition, the Complainant believes that the Respondent's act of "registering domain name without using" is for preventing complainants from registering the same domain name using the same letter combination. Therefore, the Respondent's conduct was consistent with the description in Policy 4B (ii).

In accordance with the relevant provisions and for the above reasons, the complainant requests that the disputed domain name <sloli.com> should be transferred to the Complainant.

✧ *The above-mentioned Annexes refer to the annexes to the Complaint which are not attached to this Decision.*

B. Respondent

The Respondent's contentions are summarized as follows:

- i. The Respondent does not admit the Complainant's prior rights of trademark "sloli". The Complainant acquired the trademarks "sloli" in China by assignment on 13 September 2020, see *Annex 5 of Complaint*; however, the disputed domain name registered on 25 September 2019. The registration date of the disputed domain name is earlier than the time of the Complainant enjoying trademark right in China.
- ii. The evidence provided by the Complainant in *Annex 6* is the Weibo homepage of a fitness celebrity, Ms. Chen Nuanyang, indicated as the founder of brand "暴走的萝莉", where there is no reference to the brand "sloli".
- iii. The evidence as to popularity relied upon by the Complainant is in respect of the brand "暴走的萝莉" (Runaway Lolita), see *Annex 6 & 7 of Complaint*. The statistics presented by the Complainant are vague as they refer to the brand "暴走的萝莉" as well. Such evidence is not about the brand "sloli". The Complainant's claims on the popularity and extensive use of the trademark "sloli" have not been supported by any evidence. Neither the Complainant nor its brand "sloli" was known to the Respondent before the registration of the disputed domain name.
- iv. The Complainant claims that the website <www.sloli.store> belongs to him, see *Annex 8 of Complaint*. *Annex-II of Response* shows it is an online store operated since the year 2020.
- v. The Respondent has a legitimate interest as the keyword "sloli" in the disputed domain is a combination of the letter "S" with a dictionary word "sloli", which is a common way to coin a word. "S" in the disputed domain name refers to the word "super", "smart" or "sexy". In addition, there are various third parties using the word "sloli", see *Annex-V of Response*. The Respondent is the first person to register the disputed domain name. According to FIRST COME FIRST SERVE basis, he would normally be entitled to use the domain name for any legitimate purpose.

- vi. The Respondent denied the Complainant's allegation of cybersquatting. The Respondent owns domain names mainly for own use or for some its clients without any intention to sell, see *Annex-VI of Response*. There is no evidence to prove that there is any bad faith involved in the Respondent's registration of the disputed domain name.
- vii. The Complainant's allegations as to cybersquatting pertain to the intention to hijack the disputed Domain Name.

The Respondent requests the Panel to dismiss the Complaint and maintain the disputed domain name with the Respondent.

✧ *The above-mentioned Annexes refer to the annexes to the Response which are not attached to this Decision.*

5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. The Respondent's 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 domain name; and
- iii. The Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

Pursuant to Paragraph 4(a)(i) of the Policy, the Complainant must prove its rights on a trademark or service mark and the disputed domain name is identical or confusingly similar to its trademark and service mark.

The Complainant claims that he has the prior trademark right of "sloli" in China and other countries or regions, and provided a list of its trademarks and submitted copies of relevant trademark certificates in *Annex 5 of Complaint*.

The Respondent challenged the Complainant's prior rights of the trademark "sloli" in China. He pointed out that the Complainant's trademark certificates in China in *Annex 5 of Complaint* contain certificates of trademark registration and trademark transfer (assignment). The trademark transfer (assignment) certificates therein show that all of the trademarks "sloli" in China were registered by other companies and were transferred to the Complainant on 13 September 2020. The Complainant actually enjoyed the right of the trademark "sloli" in China from the date of successfully transferring the trademarks, i.e., as from 13 September 2020, which is later than the registration date of the disputed domain name, i.e., 25 September 2019.

Having reviewed *Annex 5 of the Complaint*, the Panel finds that: 1) There are sixteen (16) trademarks "sloli" registered in China; and 2) Among them, six (6) registrations, namely Nos. 19469141, 19469159, 19469171, 19469221, 19682734 and 19682838, were registered in the name of 杭州心赢科技有限公司 while ten (10) registrations, namely Nos. 29035658, 29035682, 29038848, 29038915, 29045376, 29048232, 31708003, 31723311, 31724779 and 31724782,

were registered in the name of 杭州黑羊科技有限公司; and 3) All sixteen (16) of these trademarks were transferred to the Complainant on 13 September 2020. According to the Trademark Law of China, a Complainant should actually hold trademark rights in China after the completion of the assignment. There is no evidence to prove the Complainant had any prior rights for the trademark “sloli” in China before the registration of the disputed domain name. However, from trademark certificates from the U.S.A., the E.U. and Japan in *Annex 5 of the Complaint*, the Panel discovered that the trademark “sloli” was successfully registered in 2018 by the Complainant, which is earlier than the registration date of the disputed domain name, i.e., on 25 September 2019. The Respondent kept silent on this point. In this regard, the Panel confirmed that the Complainant, as the registrant, has prior rights to the trademarks “sloli” acquired through registration in the U.S.A., the E.U. and Japan.

The disputed domain name <sloli.com> is composed of “sloli” and “.com”. As a generic top-level domain suffix, “.com” is technically required to operate a domain name and does not have the capacity to identify the source and thus should be disregarded in the determination of confusingly similarity. The distinctive part of the disputed name <sloli.com> therefore is “sloli”, which is identical to the Complainant’s registered trademarks “sloli” in the U.S.A., the E.U. and Japan.

The Panel therefore holds that the disputed domain name <sloli.com> is confusingly similar to the Complainant’s registered trademark “sloli”. Accordingly, the Complainant has proven the element required by Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Paragraph 4(c) of the Policy states that the following circumstances in particular, but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate the rights or legitimate interests to the domain name:

- (i) Before any notice to the Respondent of a dispute, the use of, or demonstrable preparations to use, a domain name or a name corresponding to said domain name in connection with a bona fide offering of goods or 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 has made legitimate noncommercial or fair use of a domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Complainant contends that the Respondent has no rights or legitimate interests in respect to the disputed domain name because: 1) the Complainant found no trademark application under the name of the Respondent "Cai Ruizhen" on the official website of the China Trademark Office; 2) the Complainant has never authorized the Respondent to use the "sloli" trademark and domain name in any form; and 3) the Respondent "Cai Ruizhen", as a Chinese individual, may not enjoy the relevant name rights for "sloli". The Complainant has submitted prima facie evidence required by Paragraph 4(a)(ii) of the Policy and the burden of proof was transferred to the Respondent.

The Respondent neither submit evidence to prove its rights to the disputed domain name nor produce evidence to prove the use of or the demonstrable preparations to use of the disputed domain name. In particular, the Respondent admitted the fact that the disputed domain name had

not been used since registration. The registration of the disputed domain name, by itself, is not sufficient to qualify Respondent as being commonly known by the domain name for the purposes of Policy 4(c)(ii). The Respondent's denial of the popularity and extensive use of the Complainant's trademark "sloli" does not entitle the Respondent to the rights or legitimate interests of the domain name <sloli.com>.

The Respondent failed to prove its rights and legitimate interests under the Paragraph 4(c) of the Policy. Accordingly, the Panel finds that the Complainant has satisfied the second element as provided under Paragraph 4(a) of the Policy.

C) Bad Faith

Under the third element of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith by the Respondent.

Under Paragraph 4(b) of the Policy, the following circumstances in particular, but without limitation, are evidence of registration and use of a disputed domain name in bad faith:

- i. Circumstances indicating that the Respondent has registered or has acquired a domain name primarily for the purpose of selling, renting, or otherwise transferring said domain name registration to a Complainant who is the owner of the trademark or service mark or to a competitor of said Complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- ii. The Respondent has registered a domain name in order to prevent an owner of a trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- iii. The Respondent has registered a domain name primarily for the purpose of disrupting the business of a competitor; or
- iv. By using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to their web site or other on-line location, by creating a likelihood of confusion over the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Complainant alleges that the Respondent has in bad faith in registered the disputed domain name under Paragraph 4B(ii) of the Policy, because: 1) The Respondent was aware of the existence of the Complainant and its trademark at the time of registering the disputed domain name because of its high reputation and extensive use of the Complainant's trademark "sloli", 2) The Respondent is a cybersquatter stocking a number of domain names, and 3) That the Respondent registered the disputed domain name without use indicates the Respondent's attempt to prevent the Complainant from registering the same domain name or using the same letter combination.


➤ Regarding the Respondent's knowledge of the Complainant and its trademark "sloli"

The Panel discovered that both the Complainant and the Respondent are from China. The evidence shows that, in China, the date that the Complainant actually holding the right of trademarks "sloli" by assignment in 2020 is later than the registration date of the disputed domain name. Thus, the Panel shall look into other evidence to evaluate the Respondent's knowledge on the Complainant and its trademark "sloli".

The Complainant's *Annex 6* is the Weibo homepage of a fitness celebrity named CHEN Nuanyang, stated as a founder of the brand “暴走的萝莉”. There is no mention of the trademark “sloli” on her homepage. In the Complainant's *Annex 7*, there are five online media reports. For the sake of convenience, the Panel respectively lists the screenshots from *Annex 7* as follows:

1	<p>“暴走的萝莉” 玩转娱乐营销，助力品牌升级</p> <p>2017年11月10日 14:17:09 来源：楚北网</p> <p>0人参与 0评论</p>
2	<p> 玩转“黑科技”，暴走的萝莉树立跨界营销快闪店新标杆</p> <p>2018-04-27 17:30</p>
3	<p>暴走的萝莉：将运动内衣“穿”进办公室的新锐国货 品牌主理人</p> <p>品牌主理人2021-06-25 关注</p>
4	<p> 暴走的萝莉携手分众传媒 打响品牌升级战</p> <p>2021-05-24 09:39</p>
5	<p> 粉丝1200万，销售额超8亿！“暴走的萝莉”火了，31岁健身美女如何创业成功？</p> <p>2021-06-30 09:35</p>

The Panel finds that these reports, including titles and contents, are more related to “暴走的萝莉” and a fitness celebrity named CHEN Nuanyang, rather than the Complainant - Hangzhou Huihong Technology Co., Ltd. (杭州恢弘科技有限公司) and its trademark “sloli”. There was

just one sentence mentioning “S-Loli暴走的萝莉音乐风暴盛典,” on Page 1 and its poster  on Page 2 of *Annex 7 of the Complaint*. However, from the picture and the entire report the Panel was unable to find it had any connection to the Complainant. It was obviously about “暴走的萝莉”.

As to the other claims about extensive use and the high reputation of the Complainant and its brands “sloli”, such as 1) he operated online businesses on different e-commerce platforms, such as Tmall, JD.com, Vipshop, Xiaohongshu, and Mogujie since the beginning of 2017, with sales increasing from RMB 70 million to RMB 150 million, 2) he opened a store in the Hangzhou Hubin Yintai in77 shopping mall in 2018, and 3) he was an apparel sponsor of the Hangzhou International Women's Marathon in 2018, the Panel finds that such matters in *Annex 7 of the Complaint* are also related to “暴走的萝莉”.

Moreover, the publication dates of the latter three (3) reports are in 2021, much later than the registration date of the disputed domain name (2019).

The Complainant failed to demonstrate that the trademark “sloli” has established a reputation either in China or in other jurisdictions. There is no evidence to prove that the Respondent had

heard or should have heard of the Complainant and/or its trademark “sloli” before registering the disputed domain name. Without evidence of the Respondent’s actual knowledge and targeting the Complainant and its trademark “sloli”, it cannot be presumed to be bad faith merely from the Complainant’s prior rights of the trademark “sloli” registered in the U.S.A., the E.U. and Japan.

- Regarding the Complainant’s allegations of cybersquatter


Annex 9 of the Complaint shows there are thirty (30) domain names connected with the contact email address of the disputed domain name. The Complainant alleged that some of the domain names are well-known brands owned by others. The Complainant gave two examples of the domain names <exlive.com> and <bionike.com>, stating that the main identifying part of the domain name <exlive.com> corresponds to the trademark "exlive" of the gps monitoring management software while the main identifying part of the domain name <bionike.com> corresponds to the trademark "bionike" of the cosmetic brand from Italy. However, the Complainant did not submit any evidence about such relevant brands or the well-known status of said brands.

Both parties in this case admit that the word “sloli” is a combination of the English letter “S” and the English word “loli”. The Respondent contends that he has good faith in registered the disputed domain name consisting of a common acronym and a dictionary term. The Respondent submitted evidence about the definition of the word “loli” from <Wikipedia> and <learningenglishfunway.com>, see *Annex III of Response*, to prove that “loli” is a dictionary word, and also submitted evidence to prove that the word “sloli” has been used widely on the internet by various internet users before the registration of the disputed domain name; see *Annex-V of the Response*. In view of the fact that the letter “S” is a common acronym in English and “loli” is a dictionary word or a common word on the internet, the Panel accepts the Respondent’s arguments that the way of combining the letter “S” with the dictionary word “loli” is very common; no one is able to claim a monopoly on such kind of combination.

Furthermore, the Panel discovers that, besides the domain names of <sloli.com>, <exlive.com> and <bionike.com>, most of the domain names owned by the Respondent comprise combinations of common dictionary words, descriptive terms or initials, such as <sunmark.com>, <boxbar.com>, <ecoplant.com> and <fcart.com>, which are common ways to coin a word. In the Panel’s view, these domain names held by the Respondent lend more support to the Respondent’s explanation for choosing the disputed domain name for future use than it does to the Complainant’s claim that he targeted the Complainant’s and others’ trademarks. In addition, there is no provision in any law or regulation restricting the number of domain names that anyone can register or own in their own name.

- Regarding the allegations that the Respondent has held the disputed domain name without actual use in an attempt to prevent the Complainant from use

The Panel notes from *Annex 9 of the Complaint*, the webpage of the disputed domain name is

presented as  (“sloli.com is coming soon”). It is obvious that “coming soon” is a common business term to express a store/shop will open shortly. The Panel would rather believe that it indicates the Respondent’s intention of using the disputed domain name than the Complainant’s allegations of an attempt of preventing the Complainant from registering the same domain name. In addition, the Complainant has produced evidence to prove that the website <www.sloli.store> belongs to him, see *Annex 8 of the Complaint*. The Respondent submitted a screenshot of the website <www.sloli.store> showing that this website is Complainant’s online

shop setting up in 2020, see *Annex-II of the Response*. It is evident that the Complainant is normally running business through the website <www.sloli.store>. The Panel cannot find any facts that the disputed domain name prevents the Complainant from reflecting its trademark or disrupting the Complainant's business.

Based on the claims and evidence of two parties, the complainant's claims under the Paragraph 4B(ii) of the Policy is untenable.

➤ Additional Findings regarding bad faith

- i. The Respondent submitted communications on 31 August 2021 with brokers, see *Annex-VI of the Response*, showing that the Respondent had no intention to sell or transfer the disputed domain name. The Complainant admitted such in the last paragraph of Page No. 7 of its Complaint. On the evidence available here, the Panel was unable to find the Respondent's attempt to sell, rent or transfer the domain name.
- ii. The Panel cannot find Respondent's attempt to confuse internet users by using the disputed domain name because the disputed domain name has not yet been used, which has been admitted by both parties involved in the present case.

As a result, the Complainant is not able to prove its contentions that the disputed domain name was registered and used in bad faith as provided under Paragraph 4(b) of the Policy. Accordingly, the Panel holds that Complainant failed to sustain its burden under the third element as provided under Paragraph 4(a) of the Policy.

6. Decision

For all the forgoing reasons, in accordance with Paragraph 4(a) of the Policy and Article 15 of the Rules, the Panel concludes that the Complaint shall be DENIED.



Ms. Julia Hongbo ZHONG
Panelist

Dated: 11 November 2021