



(Kuala Lumpur Office)

## ADMINISTRATIVE PANEL DECISION

**Case No.** ADNDRC-1054-2022  
**Complainant:** GuoLine Intellectual Assets Limited  
**Respondent:** Super Privacy Limited  
**Disputed Domain Name(s):** <guoline.com>

### 1. The Parties and Contested Domain Name

The Complainant is GuoLine Intellectual Assets Limited, of c/o Vistra (Mauritius) Limited 3<sup>rd</sup> Floor, 355 NEX Rue Du Savoir, Cybercity, Ebene Mauritius (the “Complainant”)

The Respondent is Super Privacy Limited, of c/o Dynadot P.O. Box701, San Mateo, California 94401 United States (the “Respondent”).

The domain name at issue is, <guoline.com> (the “Disputed Domain Name”) registered by Respondent with Dynadot LLC, (the “Registrar”) of P.O. Box 701, Sam Mateo, California 94401 United States.

### 2. Procedural History

The Complaint was filed with the Kuala Lumpur office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) on January 28, 2022. On March 02, 2022, the Centre requested for Registrar verification from the Registrar in relation to the Disputed Domain Name. The Registrar subsequently, issued its verification response confirming the registrant of the Disputed Domain Name to be the Respondent. The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”) the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

On March 03, 2022 the Centre notified the Respondent of the Complainant and advised that a response ought to be filed by the Respondent by March 23, 2022. The Respondent failed to file a response by that due date or at all.

The Centre appointed Professor Ike Ehiribe as the Sole Panelist in this administrative proceeding on April 11, 2022. The Panel finds that it is properly constituted.

### **3. Factual background**

The Complainant is described as an intellectual properties holding company incorporated in Mauritius on 17 October 2007 that manages and owns the intellectual property rights of the Hong Leong Group. The Complainant is also said to be in association with the Hong Leong Group which is described as a conglomerate of companies that span key sectors of business such as financial services, manufacturing and distribution, property development, investment, hospitality and leisure, consumer goods and healthcare. The Hong Leong Group it is said, was founded by the Quek family in 1963 and have a significant global presence which spans across North and Southeast Asia. It is further stated that as at this year, the group is said to have 14 listed companies and 35,000 people in employment. Furthermore, the mark “Guo” is said to have been created from the surnames of the founders of the Hong Leong Group from the transliteration of the name “Quek” or “Kwek” the Chinese surname of the founders of the Hong Leong Group. The Complainant contends that the “GuoLine” mark is a uniquely coined name which on its own does not have an ordinary meaning in the English Language. The Complainant states further that its related companies have used the “GuoLine” and or the “Guo” mark to denote its businesses and services since 1993. The mark “Guo” has been also used widely by the Hong Leong Group by adding suffixes to the mark “Guo” for the names of various companies in the Hong Leong Group such as Guoco Group Limited, GuocoLand (Malaysia) Berhad, GuocoLand (China) Limited, GuocoLand Vietnam (s) Pte Ltd., and Guoman Hotel & Resort Holdings Sdn Bhd.

The Complainant therefore asserts that by reason of the extensive use of the “GuoLine” mark the Complainant has achieved well-known status globally resulting in the mark becoming a distinctive identifier of the Complainant’s goods and services. As a result, therefore, the Complainant has filed trademark registrations for the “GuoLine” mark for Financial Services, Investment and Internet Applications, specifically under Class 36 and Class 42 in Malaysia and Singapore. The Complainant therefore concludes that it has rights to the unregistered mark pending the conclusion of the trademark registration exercise.

The Respondent is known as Super Privacy Service Ltd and did not file a response to this complaint. According to the WhoIs record attached to this complaint, the Respondent created the Dispute Domain Name on October 29, 2020.

### **4. Parties’ Contentions**

#### **A. Complainant**

The Complainant’s contentions may be summarized as follows:

- i. The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:
  - a) In that the Disputed Domain Name <guoline.com> wholly incorporates the Complainant’s “GuoLine” mark in its entirety. The Complainant contends that where a disputed domain name incorporates the entirety of a mark or where a dominant feature of the mark is recognizable in the disputed domain name that disputed domain name has been held to be confusingly similar to that mark

following *L'Oréal, Lancôme Parfums et Beaute & Cie v. Jack Yang*, WIPO Case No. D2011 – 1627.

- b) Furthermore, it is submitted that the mere addition of a generic Top-Level Domain (gTLD) such as “.com” does not prevent a finding of confusing similarity following *L'Oréal v. Tina Smith*, WIPO Case No. D2013-0820.
  - c) The Complainant contends that from the reputation, and substantial goodwill garnered by the Complainant and or its related companies and or the Hong Leong Group, which is globally recognized, the “GuoLine” mark is used as a distinctive source identifier of the Complainant’s mark and services. . Therefore, due to the identity and brand of the Complainant’s unregistered trademark, the Disputed Domain Name carries a high risk of implied affiliation following Paragraph 2.5.1. of the *WIPO Overview 3.0*.
- ii. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.
- a) The Complainant contends that the Respondent has no legitimate interests or rights in respect of the Disputed Domain Name and has no connection of any kind with the Complainant and or its related Companies and/or the Hong Leong Group; and never has the Respondent been authorised or licensed to use the “GuoLine” mark or register the Disputed Domain Name <guoline.com>.
  - b) The Complainant submits in addition that the mere registration of the Disputed Domain Name does not establish the Respondent’s rights or legitimate interests in the Disputed Domain Name following *Grundfos A/S v. Arturo Del Castillo, Grundfos*, WIPO Case No. D2011-0112.
  - c) As it is put by the Complainant, the Respondent has in addition, failed to adduce any evidence to prove that it is commonly known by the Disputed Domain Name or the mark “GuoLine”.
  - d) The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name nor is there any evidence of a legitimate non-commercial or fair use of the Disputed Domain Name within the ambit of Paragraph 4(c)(i) and 4(c)(iii) of the Policy. The Complainant relies on a screen shot of the Disputed Domain Name that demonstrates that the website to which the Disputed Domain Name resolves displays inappropriate content including pornographic pop-ups and illegal gambling activities. The Complainant asserts that upon clicking on the Disputed Domain Name it redirects the Internet user to illegal gambling weblinks.
- iii. The Complainant asserts that the Disputed Domain Name was registered and is being used in bad faith.
- a) The Complainant relies on Paragraph 3.1.4 of the WIPO Overview and the decision in *Hertz System Inc. v. Dong yao Wu Jie Guo Jiu Guang Guang Kan*

*Kan*, WIPO Case No. D2001-2785 to assert that since the Disputed Domain Name is used for illegal activities namely advertising pornographic pop-ups and illegal gambling services such conduct is usually considered to be evidence of bad faith use. In support of this contention, the Complainant contends that the Respondent is obviously exploiting the public's familiarity with the "GuoLine" mark to create a likelihood of confusion as to source, sponsorship, affiliation or endorsement of the illegal services displayed by the Respondent through the website to which the Disputed Domain Name resolves.

- b) The Complainant further contends that it is unlikely that the Respondent was unaware of the Complainant's use of the "GuoLine" mark as a distinctive identifier of the Complainant's and its related companies' business since the Complainant and related companies had made use of the mark for the past 29 years. In further support of this contention, the Complainant states that even a cursory search via Google or any other search engine using the keyword "GuoLine" would have notified the Respondent of the Complainant and or the Complainant's related companies' extensive use of the "GuoLine" mark over a considerable length of time.
- c) The Complainant refers to the disruptive and prejudicial nature of the Respondent's conduct as further evidence of bad faith use in that the redirection to illegal gambling sites and the display of pornographic pop-ups could tarnish the goodwill and reputation of the Complainant and or its related companies or indeed the Hong Leong Group. See *Compagnie Générale des Etablissements Michelin v. WhoIs Privacy Protection Service by oname.com/Guangsheng Chen, ChenGuangSheng*, WIPO Case No. D2021-1980. In addition the Disputed Domain Name could prevent the Complainant and or its related companies from reflecting the "GuoLine" mark in their business and trade services considering that Internet visitors could be misled into believing that the Disputed Domain Name belongs to, or is controlled by the Complainant.
- d) The Complainant further submits that an element of bad faith registration and use is established considering that the Respondent has previously registered other domain names comprising of well-known trademarks of other business entities. Examples of the Respondent's previous activities in this regard are revealed in a number of previous UDRP decisions such as *Sodexo v. Super Privacy Service Ltd. c/o Dynadot/Wu Yu*, WIPO Case No. D2021-3102 and *Coachillin Holdings, LLC v. Super Privacy Service Ltd c/o Dynadot/Wu Yu*, WIPO Case No. D2021 -2998. See in support the decision in *Aldermore Bank Plc. v. Hildegard Gruener*, WIPO Case No. D2016-1617.

B. Respondent

The Respondent did not file a response in this proceeding.

**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. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

**A) Identical / Confusingly Similar**

The Panel accepts that the Complainant and its related companies including the Hong Leong Group, since 1993, have over a considerable length of time, successfully established world-wide goodwill and an international reputation in the "GuoLine" mark. This finding is clearly substantiated by copies of the incorporation certificates attached to this proceeding and screenshots of websites of some of the Complainant's related companies in the group namely GuoLine Capital Assets Limited, GuoLine (Singapore) Pte Ltd and GuoLine Asset Sdn Bhd, Malaysia etc. The Panel also accepts that the Complainant has filed trademark registrations for the "GuoLine" mark for Financial Services, Investments and Internet Applications in Classes 36 and 42 in Malaysia and Singapore respectively. Accordingly, the Panel accepts that the "GuoLine" mark has become a distinctive identifier for the Complainant and its related companies' brands and businesses such that all told, the Panel finds that the Complainant does have common law rights in the unregistered mark pending actual registration. See in this regard *Idris Yamaturk v. Marka Deger Koruma*, WIPO Case No. D2021, *Phillip Morris USA Inc. v. ZhangXin*, FA 1704001729096 and *Jancho Partners Ltd. v. Regina Effiong*, HK-1701037.

Accordingly, the Panel without any hesitation finds that the Disputed Domain Name <guoline.com> is confusingly similar to the Complainant's "GuoLine" mark. Upon a visual examination the Panel finds that the Disputed Domain Name wholly incorporates the Complainant's mark in a most dominant and recognizable manner. See *L'Oréal, Lancôme Parfums et Beaute & Cie v. Jack Yang*, *supra*. Furthermore, the Panel is satisfied that the mere addition of the generic Top - Level Domain (gTLD) ".com" does absolutely nothing to prevent a finding of confusing similarity when conducting a confusing similarity enquiry. See *L'Oréal v. Tina Smith*, *supra*.

**B) Rights and Legitimate Interests**

Although, it is the Complainant who has the burden to establish that the Respondent has no rights or legitimate interests in the Disputed Domain Name, when as in this case, a prima facie case is made out, the burden shifts to the Respondent to rebut such a prima facie case by demonstrating rights and legitimate interests in the Disputed Domain Name following the decision in *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. D2000-0624. The Panel finds therefore, that the Respondent has failed to advance any evidence whatsoever that demonstrates that the Respondent has any rights or legitimate interests in the Disputed

Domain Name. In the first instance, the Respondent has not adduced any evidence to indicate that the Respondent has ever been authorised, licensed or otherwise permitted to use the “GuoLine” mark under any circumstances by the Complainant. Neither is the Respondent commonly known by the Disputed Domain Name. Secondly, there is no evidence of a business relationship between the Complainant and the Respondent. Thirdly, the “GuoLine” term is a uniquely coined term and is not a common term in the ordinary English language accordingly, the panel finds that the Respondent does not have any legitimate interests or rights in the Disputed Domain Name. In addition, the Panel finds that the Respondent has been intentionally utilizing the Disputed Domain Name to mislead Internet visitors to visit the website to which the Disputed Domain Name resolves to engage in illegal activity. The website displays inappropriate content including pornographic pop-ups and illegal gambling links. The Respondent’s conduct in this regard cannot be described as a bona fide offering of goods and services nor a legitimate non-commercial or fair use of the Disputed Domain Name within the ambit of paragraph 4(c)(i) and 4(c)(iii) of the Policy. See generally, the oft quoted decision in *Oki Data Americas Inc. v. ASD Inc.*, WIPO Case No. D2001-0903.

### **C) Bad Faith**

On the issue of bad faith registration and use, the Panel equally finds that the Respondent registered the Disputed Domain Name in bad faith and for bad faith use. In the first place, the evidence adduced by the Complainant by virtue of a screenshot attached to the complaint, establishes that the Disputed Domain Name is being utilized for illegal purposes by reason of the associated website displaying pornographic pop-ups and redirecting internet visitors to illegal gambling weblinks. The Panel finds that such activity is undoubtedly evidence of bad faith registration and use following the decision in *Hertz System, Inc. v. Dong Yao Wu, Jie Guo Jiu Guang Guang Kan Kan, supra*, where the use of a disputed domain name for illegal activities such as illegal gambling activities was found and held to be evidence of bad faith use. See also Paragraph 3.1.4 of the *WIPO Overview 3.0*. Secondly, the Panel finds that the Respondent must have been aware of the Complainant’s and associated Companies’ extensive use of the “GuoLine “ mark as a distinctive identifier for its services and businesses before deciding to register the Disputed Domain Name on October 20, 2020 considering that an ordinary google search on the internet would have revealed the extensive use of the “GuoLine” mark by the Complainant and associated Companies for a considerable length of time in different jurisdictions. Thirdly, the Panel finds that the Respondent’s use of the Disputed Domain Name for illegal activities which could potentially tarnish the reputation and goodwill of the Complainant and disrupt the business and services of the Complainant and related Companies are all evidence of bad faith registration and use. Fourthly, where there is verifiable evidence that the Respondent has previously been engaged in bad faith use and registration of other domain names comprising of famous trademarks, such conduct has been held to be sufficient evidence of a pattern of bad faith registration and use. In support of this contention see in this regard the decision in *Aldermore Bank Plc v. Hildegard Gruener, supra*. In this instance, the Complainant has drawn attention to at least four other UDRP cases where the same Respondent was found to have registered disputed domain names in bad faith, see in this regard, two of such decisions as revealed by the Complainant namely;(1) *Coachillin Holdings, LLC v Super Privacy Service Ltd. c/o Dynadot/Wu Yu, supra* and (2) *Sodexo v. Super Privacy Ltd c/o Dynadot/ Wu Yu, supra*.

**6. Decision**

For all the foregoing reasons, in accordance with Paragraph 4(1) of the Policy and 15 of the Rules, the Panel directs that the Disputed Domain Name < guoline.com> be transferred to the Complainant forthwith.

A handwritten signature in black ink, appearing to read "Ehiribe.", with a small horizontal line underneath the name.

Professor Ike Ehiribe FCI Arb., C. Arb.  
Panelist

Dated: April 19, 2022