



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301734
Complainant:	<u>Shopline Holdings Limited</u>
Respondent:	eric lin
Disputed Domain Name(s):	< asiashopline.com >

1. The Parties and Contested Domain Name

The Complainant is Shopline Holdings Limited, of 21/F, Nam Wo Hong Building, 148 Wing Lok Street, HONG KONG.

The Respondent is eric lin, of No. 80 Xincheng Road, Yuanshan Township, Yilan County, Yilan, Yilan 85014, TW.

The domain name at issue is <asiashopline.com> registered by Respondent with NameSilo, LLC, of 8825 N. 23rd Ave Suite 100, Phoenix, Arizona, 85021, USA.

2. Procedural History

On 31 March 2023, the Complainant submitted to the Asian Domain Name Dispute Resolution Center (“Center”) the Complainant’s written complaint in English for the Disputed Domain Name <www.asiashopline.com>, pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”) and the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”).

On 31 March 2023, the Hong Kong Secretariat of the Center confirmed the receipt of the complaint letter to the Complainant and issued a complaint confirmation notice. At the same time, the Hong Kong Secretariat of the Center sent a confirmation letter of registration information to the Registrar of the Disputed Domain Name by email, requesting to provide the registration information of the Disputed Domain Name. On the same day and 4 April 2023, the Registrar replied and confirmed that it provided registration services for the Disputed Domain Name, the Respondent was the registrant of the Disputed Domain Name, and the registration language was English. At the same time, the Registrar notified the Respondent that the Disputed Domain Name had been locked.

On 4 April 2023, the Hong Kong Secretariat of the Center informed the Complainant that the information of the Respondent in the Complaint was different from the WHOIS information provided by the Registrar and requested that the Complainant was hereby

required to rectify the above deficiency within 5 calendar days in accordance with the Rules. On the same day, the Complainant sent an updated complaint to the Center.

On April 11, 2023, the Hong Kong Secretariat of the Center sent the notice of the commencement of the procedure to the Respondent, and at the same time forwarded the complaint letter and all attached materials that have passed the review, requiring the Respondent to submit a response within the prescribed deadline (i.e., on or before May 1, 2023). The Hong Kong Secretariat of the Center also copied the Complainant and the registrar in the notice of the commencement to the Respondent.

On May 2, 2022, the Hong Kong Secretariat of the Center issued a notice of Respondent in Default to the Complainant and the Respondent, informing both parties that since the Respondent did not submit the statement of response within the prescribed time limit, the Hong Kong Secretariat of the Center will appoint a Panelist to hear the case in absentia and make a ruling.

The Complainant chose a one-person expert panel to hear the case. According to the procedural rules, the case should be heard by a panelist appointed by the Hong Kong Secretariat of the Center. On May 2, 2023, the Hong Kong Secretariat of the Center sent an email to Mr. Jonathan Agmon to be listed as a candidate panelist, and asked the candidate panelist to confirm: whether to accept the appointment as a panelist in this case; whether he is in a position to be independent and impartial between the parties. On the same day, Mr. Jonathan Agmon agreed to accept the designation and guaranteed his independence and impartiality. On May 2, 2023, the Hong Kong Secretariat of the Center notified both parties by email that Mr. Jonathan Agmon would be designated as the sole panelist of the case to hear the case. At the same time, the Hong Kong Secretariat of the Center transferred the case file to the Panel.

According to the provisions of the procedural rules, the Panel decided the language of the proceeding to be that of the Registration Agreement of the Disputed Domain Name, that is, English.

3. Factual background

The Complainant established in 2014 is a technology Software-as-a-Service website building platform that provides solutions for e-commerce companies around the world. The Complainant employs some 2,000 people and is now Asia's leading SaaS platform for independent sites, building a full chain of services from supply chain, traffic, payment, logistics to training to help sellers create brand highlights, sink private domain traffic and achieve differentiated operations.

The Complainant's mark SHOPLINE has been used since 2014 and has gained significant popularity through its use. The Complainant opened its official website in Hong Kong in 2014 and its official website in Taiwan was opened in 2017.

The Complainant has registered the following marks in the following countries:

- China: registered Trademark No. 49453995 for SHOPLINE, registered on May 7 2021, in class 45.

- Hong Kong registered Trademark No. 302781090 for SHOPLINE, registered on March 5 2015, in classes 9, 16, 38, 42

The logo for SHOPLINE, featuring the word "SHOPLINE" in a bold, sans-serif font. The letter "O" is stylized with a white circle inside, resembling a camera lens or a globe.

- Singapore: registered Trademark No. 40201925674R for registered on November 26 2019, in classes 9, 35, 42.

The logo for SHOPLINE, featuring the word "SHOPLINE" in a bold, sans-serif font. The letter "O" is stylized with a white circle inside, resembling a camera lens or a globe.

- International: registered Trademark No. 1532163 for registered on November 29 2019, in classes 9, 35, 42.

The logo for SHOPLINE, featuring the word "SHOPLINE" in a bold, sans-serif font. The letter "O" is stylized with a white circle inside, resembling a camera lens or a globe.

- Australia: registered Trademark no. 2185652 for registered on August 24 2021, in classes 9, 35, 42.

The Complainant registered the domain name <shopline.hk> in 2014 and the domain name <shopline.tw> in 2017 and continues to operate them.

The Respondent registered the disputed domain name on December 12 2022.

4. Parties' Contentions

A. Complainant

- i. The Disputed Domain Name is identical and/or confusingly similar to the Complainant's registered "SHOPLINE" trade marks.
- ii. The Respondent does not have any connection to the "SHOPLINE" trade marks and does not have any prior legal rights or legitimate interests in the Disputed Domain Name.
- iii. The Disputed Domain Name has been registered in bad faith and is being used in bad faith.

B. Respondent

The Respondent did not respond to the Complainant's claims.

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

Paragraph 4(a)(i) of the Policy requires the complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The disputed domain name comprises of the Complainant's SHOPLINE mark in its entirety in addition to the descriptive prefix "asia". The disputed domain name also comprises the addition of the gTLD ".com". The addition of the descriptive term "asia" to the disputed domain name does not prevent a finding of confusing similarity. It is also well established that the addition of a gTLD ".com" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B) Rights and Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated prima facie that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it owns a trademark registration for the SHOPLINE mark before the disputed domain name was registered. The Complainant is not affiliated with, nor has it licensed or otherwise permitted the Respondent to use the Complainant's trademark (see *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. D2010-0138). There is also no evidence on record showing that the Respondent is commonly known by the disputed domain name (see WIPO Overview 3.0, section 2.3).

Further, the Respondent did not submit a Response in the present case and did not provide any explanation or evidence to show rights or legitimate interests in the disputed domain name to rebut the Complainant's prima facie case.

The Panel is therefore of the view that the Respondent has no rights or legitimate interests in respect of the disputed domain name and accordingly, paragraph 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The complainant must show that the respondent registered and is using the domain name in bad faith (Policy, paragraph 4(a)(iii)).

The Complainant has submitted evidence, which shows that the Respondent registered the disputed domain name after the Complainant registered its SHOPLINE trademark and was

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using the Complainant's figurative trademark . This is an indication that the Respondent was aware of the Complainant and its mark when it registered the disputed domain name. The use by Respondent of the Complainant's figurative mark in a domain name that incorporates the Complainant's SHOPLINE mark in its entirety with the suffix "asia", is an attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting the Complainant and its products. In the particular circumstances of this case, it is the finding of the Panel that a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's site.

Furthermore, the Respondent appears to have used the disputed domain name for a website showing a demo of a website that is the result of offering competing services to those of Complainant's under Complainant's SHOPLINE mark. The demo website appears to show that Respondent was offering services that are also offered by Complainant and that these are competing with those of Complainant.

In view of the evidence in this particular case, the Panel draws the conclusion that the Respondent targeted the Complainant when it registered the disputed domain name and that such registration was in bad faith. It is the finding of the Panel that the Respondent incorporated Complainant's SHOPLINE mark in its entirety within the disputed domain name with the intention of misleading and directing Internet users to its own website in order to increase the number of Internet users to access its website for commercial gain. Such use of the disputed domain name is in bad faith.

The Respondent did not submit a Response in this proceeding which is a further indication of the Respondent's bad faith, which was considered by the Panel.

Based on the evidence presented to the Panel, including the confusing similarity between the disputed domain name and the Complainant's mark, the fact that the disputed domain name is used to direct Internet users to a website which offers competing services to those of the Complainant, the fact that no Response was submitted by the Respondent in response to the Complaint, the Panel draws the inference that the disputed domain name was registered and is being used in bad faith.

6. 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 name, <asiashopline.com>, be transferred to the Complainant.

/s/Jonathan Agmon

Jonathan Agmon
Panelist

Dated: May 15 2023