



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401873
Complainant:	Shenzhen Baseus Technology Co. Ltd.
Respondent:	can kou
Disputed Domain Name(s):	<ibaseus.com>

1. The Parties and the Contested Domain Name

The Complainant is Shenzhen Baseus Technology Co. Ltd., of 2/F, Building B, Beisi Intelligence Park, NO. 2008, Xuegang Road, Gangtou Community, Bantian Street, Longgang District, Shenzhen, China (hereafter: the “Complainant”).

The Respondent is can kou (organization: hydranger), of 848 N. Rainbow Blvd. #4658, Las Vegas, NV 85014, USA (hereafter: the “Respondent”).

The Domain Name at issue is <ibaseus.com> (hereafter: the “Disputed Domain Name”), registered by the Respondent with NameSilo, LLC, of 8825 N. 23rd Ave Suite 100, Phoenix, Arizona, 85021, USA (hereafter: the “Registrar”).

2. Procedural History

On 19 February 2024, the Complainant submitted a complaint (hereafter: the “Complaint”) regarding the Disputed Domain Name <ibaseus.com> with the Hong Kong office of the Asian Domain Name Dispute Resolution Centre (hereafter: the “Centre”). On 20 February 2024, the Centre confirmed the receipt of the Complaint to the Complainant.

On 20 February 2024 and 27 February 2024, the Registrar confirmed the correct identity of the Respondent. The Registrar confirmed that the language of the Disputed Domain Name’s Registration Agreement is English. The Registrar also confirmed that the Disputed Domain Name was created on 15 May 2018.

On 4 March 2024, the Centre notified the Complainant of certain deficiencies in the Complaint.

On 5 March 2024, the Complainant submitted an updated version of the Complaint.

On 6 March 2024, the Centre notified the Respondent that a Complaint was submitted by the Complainant regarding the Disputed Domain Name. On the same date, the Centre

provided the Respondent with full access to the Complaint and its annexes. The Centre informed the Respondent of the deadline of 26 March 2024 to submit a Response.

On 27 March 2024, the Centre confirmed that the Respondent did not file a timely Response.

On 27 March 2024, the Centre appointed Bart Van Besien as Panelist.

3. Factual background

The **Complainant** asserts the following facts, which are not contested by the Respondent:

The Complainant's brand "Baseus" was started in 2011 and is a 3C digital accessories brand that integrates research and development, design, production, and sales. The brand name Baseus evolved from the concept of "base on user", representing the brand's focus on meeting user needs. Since its inception, Baseus branded products have been purchased by more than 300 million users in over 100 countries and territories worldwide. Between 2015 and 2018 (the year the Disputed Domain Name was created), a variety of media outlets, reviewers, and users posted multiple Baseus product review videos on channels such as YouTube, with hundreds of thousands of cumulative views.

The Complainant was established as a company in 2019 and is responsible for the production, sales, and operations of the Baseus brand.

The company Shenzhen Times Innovation Technology Co., Ltd. has an affiliated company relationship with the Complainant through equity investment or agreement control. This company, i.e. Shenzhen Times Innovation Technology Co., Ltd., seems to have licensed or transferred trademark rights on the sign "Baseus" to the Complainant, including the right to sell products and to file complaints (in courts and arbitration) regarding infringements of Baseus trademarks. The registration, management, authorization, and rights protection of the Baseus trademarks are the responsibility of the Complainant.

In 2021, the Complainant received an award for "Guangdong Engineering Technology Centre". The Baseus brand has received many awards, including several awards for "Top 20 China Overseas Brands", "Top 10 China Overseas Brands", "Red Dot Award", and "IF Award".

As of 1 April 2022, the Complainant (and/or affiliated companies) had filed a total of 1,405 patent applications, including 41 inventions, 511 utility models and 853 design patents. According to omnichannel research conducted by Euromonitor International in North America, Asia Pacific, and Europe, Baseus is the world's leading brand in Gallium Nitride fast charger sales, with 90 million units sold worldwide in 2021. In April 2022, the Complainant received the award for the global leading brand of GaN fast chargers from Euromonitor International.

The Complainant and its Baseus brand have a high level of popularity and influence. The Baseus brand has been in actual use and promotion for many years and has become highly recognizable all over the world. By searching Baseus on Google, the results all point to the Complainant.

The **Respondent** did not file an administratively compliant, or any, response.

4. **Parties' Contentions**

A. **Complainant**

The Complainant's contentions may be summarized as follows:

Confusing similarity: The Complainant has prior trademark rights in the sign or term Baseus. Prior decisions under the UDRP Policy indicate that the determination of whether a complaint satisfies the requirements of Rule 4(a)(i) of the Policy should be made by directly comparing the character composition of the disputed domain name with that of the Complainant's trademark to determine whether the disputed domain name is identical or confusingly similar to the Complainant's trademark. In the current case, the Disputed Domain Name <ibaseus.com> completely contains the Complainant's Baseus trademark. Accordingly, the Complainant submits that the Disputed Domain Name contains all or at least one of the main features of the Complainant's Baseus trademark and is likely to cause confusion among the public.

Rights or legitimate interests: The Respondent does not have rights or legitimate interests to the Disputed Domain Name. The Respondent has no trademark or name rights in the term "Baseus".

Bad faith: The Complainant asserts that the Disputed Domain Name can lead to consumer confusion, and that the Respondent had malicious intent at the time of registration and use of the Disputed Domain Name. The fact that the Respondent registered the Disputed Domain Name and directed it to a page on a website similar to the Complainant's website is evidence of bad faith.

B. **Respondent**

The Respondent did not submit a Response.

5. **Findings**

Other legal proceedings: The Panel is not aware of any other legal proceedings which are pending or decided, and which relate to the Disputed Domain Name.

Language of the proceedings: According to Article 11(a) of the Rules for Uniform Domain Name Dispute Resolution Policy (hereafter: 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 registration agreement of the Disputed Domain Name being English, it follows that the language of the proceedings should be **English**.

Identification of rights:

The Complainant submitted evidence that it is the registered owner of the following trademarks (hereafter referred to as the "Baseus Trademarks"):

- International trademark “Baseus” with registration number 1109755, for goods in class 9, for various countries under the Madrid Protocol, including the United States of America, registered on 8 November 2011;
- Chinese trademark “Baseus” with registration number 14897443, for services in class 35, registered on 14 September 2015;
- Chinese trademark “Baseus” with registration number 15296002, for goods in class 9, registered on 21 December 2015;
- International trademark “Baseus” with registration number 1340530, for goods in class 9, for various countries under the Madrid Protocol, including the United States of America, registered on 14 November 2016; and
- UK trademark “Baseus” with registration number UK00003287828, for goods and services in class 9 and 35, registered on 4 May 2018.

The Complainant submitted evidence of many other trademarks. The trademarks listed above are just a selection of these trademarks. For its decision, the Panel only took account of the selection listed above (hereafter referred to as the “Baseus Trademarks”). From the evidence submitted by the Complainant and from the limited research by the Panel in publicly accessible official trademark registries (in line with the general powers of the Panel as articulated in paragraphs 10 and 11 of the Rules), it follows that all of these “Baseus Trademarks” were registered before the creation date of the Disputed Domain Name and that all of these “Baseus Trademarks” are registered in name of the Complainant itself (not or not any longer in name of the Complainant’s affiliated company Shenzhen Times Innovation Technology Co., Ltd.).

The ICANN Uniform Domain Name Dispute Resolution Policy (hereafter: the “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 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

The **Complainant** states that, when comparing the Disputed Domain Name and the Complainant’s Baseus Trademarks, the comparison should only focus on the second-level part of the domain name. The Complainant states that the meaning of the suffix “.com” does not affect the determination of the first element since the country code top-level domain suffix “.com” does not have the capacity to distinguish the Disputed Domain Name from the Complainant’s prior rights. The addition of the letter “i” in the Disputed Domain Name does not give it a new meaning. The Disputed Domain Name <ibaseus.com> completely contains the Complainant’s Baseus Trademarks. The Complainant claims that the Disputed Domain Name contains all or at least one of the main features of the Complainant’s Baseus Trademarks and is likely to cause confusion.

The **Panel** notes that the Disputed Domain Name incorporates the entirety of the Complainant's Baseus Trademarks, with the mere addition of the letter "i" and the gTLD ".com".

The Panel remarks that Section 1.7 of WIPO Overview 3.0, states that, *"in cases where a domain name contains the whole of a trademark, or where at least one dominant feature of the relevant trademark is recognisable in the domain name, the domain name shall normally be considered confusingly similar to that trademark for the purposes of UDRP status"*.

The Panel is of the opinion that the sole addition of the letter "i" in the Disputed Domain Name is not sufficient to prevent a finding of confusing similarity under the first element of paragraph 4(a) of the Policy. The addition of this single letter does not add meaning or distinctiveness to the Disputed Domain Name, especially when considering that the addition of a letter "i" is a common feature that trademark owners often add to domain names to put extra emphasis on the individual customer-focused character of the goods or the services sold under the trademark.

The gTLD ".com" may be disregarded when considering whether a domain name is confusingly similar to a trademark in which the Complainant has rights. In this regard, section 1.11.1 of WIPO Overview 3.0 states: *"The applicable Top Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test."*

For these reasons, the Panel concludes that the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The **Complainant** states that the Respondent does not have any rights or legitimate interests in the Disputed Domain Name. The Complainant argues that the Disputed Domain Name impersonates or suggests a sponsorship or endorsement by the owner of the trademark(s) and does not constitute fair use. The Complainant searched various national and regional trademark databases in the name of the Respondent and did not find that the Respondent had trademark rights in the name "Baseus". The Respondent is not a distributor or partner of the Complainant. The Complainant has never authorized the Respondent to use the Baseus Trademarks and a corresponding domain name in any form. From the Whois information, it seems that the name of the Respondent is "can kou". From this name, it does not follow that the Respondent has name rights for term "Baseus".

The **Panel** notes the following: As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous Panels have found that the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the Disputed Domain Name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant

rights or legitimate interests, the panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Panel finds that the Respondent does not appear to have any rights or legitimate interests in respect of the Disputed Domain Name from the following facts:

- The Disputed Domain Name includes the entire Baseus Trademarks of the Complainant. The addition of the letter “i” does not add any meaning to the Baseus Trademarks and does not create any rights or legitimate interests in the Disputed Domain Name.
- There is no evidence that the Respondent is or has been commonly known, by the Disputed Domain Name or by the terms “baseus” or “ibaseus”. The Whois information of the Disputed Domain Name does not provide any information that might indicate any rights of the Respondent to use the terms “baseus” or “ibaseus”.
- The Complainant’s Baseus Trademarks were registered and seem to have been used well before the registration date of the Disputed Domain Name. The Disputed Domain Name was registered on 15 May 2018, whereas the Complainant’s Baseus Trademarks were registered between 2011 and the date of registration of the Disputed Domain Name.
- There is no evidence to show that the Respondent is making a legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain or to misleadingly divert consumers.
- On the contrary, it appears that the Respondent is taking advantage (or at least intends to take advantage) of the Complainant's name and registered Baseus Trademarks to attract consumers to its own website by creating a likelihood of confusion (see also below under the third element of “bad faith”).
- The Respondent does not seem to have any consent or authorization to use the Baseus Trademarks or variations and does not seem to be related to the Complainant.
- The Respondent did not show to have any trademark rights or other rights regarding the terms “baseus” or “ibaseus”.
- The Respondent did not file an administratively compliant (or any) response. The Respondent did not provide evidence that it has rights or legitimate interests in the Disputed Domain Name. The Respondent could, inter alia, have provided evidence of the factors mentioned in paragraph 4(c) of the Policy, but failed to do so.

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has made a “prima facie” case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The Panel concludes that the Respondent does not have rights or legitimate interests in the Disputed Domain Name.

C) Bad Faith

The **Complainant** claims that the Respondent has registered and uses the Disputed Domain Name in bad faith. The Disputed Domain Name was registered on 15 May 2018, when the Baseus Trademarks had already achieved a high level of global recognition. The location of the Respondent does not prevent the Respondent being aware of the existence of the Complainant's Baseus Trademarks at the time of registration of the domain name. The Complainant emphasizes that the Respondent has linked the Disputed Domain Name to a website related to the Complainant's business, and that the Complainant's Baseus Trademarks are mentioned several times on this website. According to the Complainant, this shows that the Respondent knew or should have known the Complainant's business name and trademarks when registering the Disputed Domain Name. The Complainant submits that the Respondent uses the Disputed Domain Name to deliberately imitate the Complainant's Baseus brand for profit. In other words, the Respondent uses the Disputed Domain Name to intentionally attract, for commercial gain, internet users to his own website or other on-line location, by creating a likelihood of confusion with the Complainant's Baseus Trademarks as to the source, sponsorship, affiliation, or endorsement of his website or location or of a product or service on his website or location.

The **Panel** weighs these arguments and facts as follows:

- First, as mentioned already, the Disputed Domain Name reproduces the Complainant's Baseus Trademarks entirely, with the mere addition of a letter "i". The addition of this single letter does not add any meaning to the Disputed Domain Name and does not take away a risk of confusion among the public.
- Second, the Complainant's Baseus Trademarks significantly predate the registration of the Disputed Domain Name.
- Third, the Complainant's earlier Baseus Trademarks cover many countries and regions all over the globe, including the territory of the United States, the Respondent's home country.
- Fourth, from the screenshots submitted by the Complainant as evidence, it is clear that the Respondent published on the website available via the Disputed Domain Name various logos and trademarks of the Complainant. For instance, the Respondent uses the same stylized letter-fonts as in the Complainant's trademarked Baseus logo. The Respondent uses this website to sell products that are covered by the Complainant's registered Baseus Trademarks. It is unclear to the Panel whether these are genuine "Baseus" products or counterfeited products, but the Panel accepts that the Disputed Domain Name is used to intentionally attract, for commercial gain, internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's Baseus Trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of the products or services on this website or location.
- Fifth, from the screenshots of the Respondent's website, as submitted by the Complainant, it follows that the Respondent included a "subscribe form" on his website to collect personal data from internet users.

- Sixth, the Respondent did not contest any of the Complainant's arguments and did not provide any explanation concerning its choice for registering and/or using a domain name that includes the Complainant's registered Baseus Trademarks in combination with an extra letter "i".

Based on the combination of the elements listed above, the Panel finds it inconceivable that the Respondent would have come up with a domain name consisting of the term "baseus", and an additional letter "i", without having prior knowledge of the Complainant, its activities, and its earlier Baseus Trademarks. On the balance of probabilities, it seems evident that the Respondent had actual knowledge of the existence of the Complainant and its activities, and of the existence and scope of the Complainant's Baseus Trademarks at the time of registration and use of the Disputed Domain Name.

The Panel finds that the Disputed Domain Name is not being used for a bona fide offering of goods or services. The Disputed Domain Name is rather used to mislead internet users who were looking for the Complainant. The Panel is convinced that the Respondent had the Baseus Trademarks of the Complainant in mind when registering and subsequently using the Disputed Domain Name. The Panel concludes that the Disputed Domain Name is being used for the purpose of misleading internet users.

For all the reasons set out above, the Panel concludes that the Disputed Domain Name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

6. Decision

For all the reasons stated above, the Complaint is accepted and the Disputed Domain Name <i>ibaseus.com</i> is to be transferred to the Complainant.



Bart Van Besien
Panelist

Dated: 28 March 2024