

**Decision for dispute CAC-UDRP-105699**

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Case number **CAC-UDRP-105699**

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Time of filing **2023-08-15 15:07:54**

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Domain names **liujobelgie.com, liujocipo.com, liujodanmark.com, liujogreece.com, liujohrvatska.com, liujohrvatskaonline.com, liujohungary.com, liujonederlandonline.com, liujonorge.com, liujoonlineportugal.com, liujopolska.com, liujoportugal.com, liujoromania.com, liujoromaniaonline.com, liujoslovensko.com, liujosneakersoutlet.com, liujosuomi.com, liujotenisky.com, liujoturkiyeonline.com, liujoparis.com, liujousa.com, liujooutletonline.com, liujoaustraliashop.com, liujochiletienda.com, liujo-nederland.com, liujonorgeoutlet.com, liujooutletparis.com, liujooutletportugal.com, liujooutletsverige.com, liujooutletwebshop.com, liujopolskasklep.com, liujostockistsireland.com, liujoturkey.com, liujoukshop.com, liujousaonline.com, liujo-australia.com, liujodubai.com, liujodubaimall.com, liujofactoryoutlet.com, liujolondon.com, liujooutletuk.com, liujo-ireland.com, liujoisrael.com, liujodenmark.com, liujo-greece.com, liujohelsinki.com, liujo-japan.com, liujooslo.com, liujoportugal.com, liujo-romania.com, liujosverige.com, liujo-turkiye.com, liujowebshop.com , liujocanadasale.com**

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**Case administrator**

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Name **Olga Dvořáková (Case admin)**

**Complainant**

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Organization **Liu.Jo S.p.A**

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**Complainant representative**

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Organization **Carlos Mendez (Coöperatie SNB-REACT U.A.)**

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**Respondents**

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Organization **Web Commerce Communications Limited**

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Name **Stacey Drucker**

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Name **Scott Dawson**

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Name **Alzina White**

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Name **Diana Hewitt**

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Name **Sandra Estrada**

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Name **Danielle Vogt**

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Name **Kit Moore**

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Name	<b>Vinay Selar</b>
Name	<b>Tamara Rosenberger</b>
Name	<b>Nisha Tung</b>
Name	<b>Zoie Garza</b>
Name	<b>Loyda Granados</b>
Name	<b>Christel Oquin</b>
Name	<b>Cynthia Nelson</b>
Name	<b>Brett Toothman</b>
Name	<b>Anita Lorelli</b>
Name	<b>Nedjma Zitouni</b>

#### 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 names.

#### IDENTIFICATION OF RIGHTS

The Complainant is the owner of multiple trademarks in over 150 worldwide that are related to its word and figurative “Liu.Jo” trademarks.

The following trademark registrations evidence the ownership of the Complainant’s rights.

Mark	Registration Details
LIU.JO	Registration number: 000234351 – European Union Intellectual Property Office (“EUIPO”). Entered on register: August 17, 1999. Registered in class 25.
LIU.JO	Registration number: 000747923 – EUIPO Entered on register: July 19, 1999. Registered in class 9, 18, 19.
LIU.JO	Registration number: 762361 – International Registration designating (among others) China and the USA. Entered on register: June 18, 2001. Registered in class 3, 9, 24.
LIU.JO	Registration number: 3728648 – United States Patent and Trademark Office (“USPTO”). Entered on register: December 22, 2009. Registered in class 18, 25.

The Complainant is also the owner of the domain name <liujo.com> registered on March 7, 2000, that it uses in connection with its official online store.

#### FACTUAL BACKGROUND

The Complainant is an Italian company whose main activity consists of manufacturing, marketing, and selling clothing and accessories.

The products manufactured and sold by Complainant are luxurious, high-end goods which are commercialized under Complainant’s “Liu.Jo” trademark(s) in their various flagship stores across the world.

There are 54 disputed domain names that appear to have been registered in “batches” by the Respondents. The table below sets out important information pertaining to the registration of each of the disputed domain names.

No.	Domain Name	Respondent	Registrar/Name
1	<liujobelgie.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
2	<liujocipo.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
3	<liujodanmark.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
4	<liujogreece.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
5	<liujohrvatska.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
6	<liujohrvatskaonline.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu

7	<liujohungary.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
8	<liujonederlandonline.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
9	<liujonorge.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
10	<liujoonlineportugal.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
11	<liujopolska.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
12	<liujoportugal.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
		<p>Web Commerce Communications Limited</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-</p>

13	<liujoromania.com>	Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	COMMERCE PRIVATE LIMITED Name: Cai Liu
14	<liujoromaniaonline.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E- COMMERCE PRIVATE LIMITED Name: Cai Liu
15	<liujoslovensko.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E- COMMERCE PRIVATE LIMITED Name: Cai Liu
16	<liujosneakersoutlet.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E- COMMERCE PRIVATE LIMITED Name: Cai Liu
17	<liujosuomi.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E- COMMERCE PRIVATE LIMITED Name: Cai Liu
18	<liujotenisky.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E- COMMERCE PRIVATE LIMITED Name: Cai Liu
19	<liujoturkiyeonline.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur	Registrar: ALIBABA.COM SINGAPORE E- COMMERCE PRIVATE LIMITED

		Country: Malaysia	Name: Cai Liu
20	<liujoparis.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
21	<liujousa.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
22	<liujooutletonline.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
23	<liujoaustraliashop.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
24	<liujochiletienda.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
25	<liujo-nederland.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu

26	<liujonorgeoutlet.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
27	<liujooutletparis.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
28	<liujooutletportugal.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
29	<liujooutletsverige.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
30	<liujooutletwebshop.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
31	<liujopolskasklep.com>	<p>Web Commerce Communications Limited</p> <p>Email: support@webnic.cc</p> <p>City: Kuala Lumpur</p> <p>Country: Malaysia</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
		<p>Web Commerce Communications Limited</p>	<p>Registrar: ALIBABA.COM</p>

32	<liujostockistsireland.com>	Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
33	<liujoturkey.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
34	<>liujoukshop.com>	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
35	<liujousaonline.com	Web Commerce Communications Limited Email: support@webnic.cc City: Kuala Lumpur Country: Malaysia	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
36	<liujo-australia.com>	Stacey Drucker Email: compcounborinonpcq@mail.com City: New York Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
37	<liujodubai.com>	Scott Dawson Email: calsidzukafiefb@mail.com City: Colorado Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
38	<liujodubaimall.com>	Alzina White Email: suldischatagentx@mail.com City: North Carolina	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED



		Country: United States	Name: Cai Liu
39	<liujofactoryoutlet.com>	Diana Hewitt Email: rustnanmodomafz@mail.com City: California Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
40	<liujolondon.com>	Diana Hewitt Email: rustnanmodomafz@mail.com City: California Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
41	<liujooutletuk.com>	Diana Hewitt Email: rustnanmodomafz@mail.com City: California Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
42	<liujo-ireland.com>	Sandra Estrada Email: roytorishipubki@mail.com City: California Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
43	<liujoisrael.com>	Danielle Vogt Email: clatamdzurupunc7l@mail.com City: New Albany Country:	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
44	<liujodenmark.com>	Kit Moore Email: tricacyusetav1@mail.com City: Ontario Country: Canada	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu

45	<liujo-greece.com>	<p>Vinay Selar</p> <p>Email: lemurrugroteu@mail.com</p> <p>City: Ontario</p> <p>Country: Canada</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
46	<liujohelsinki.com>	<p>Tamara Rosenberger</p> <p>Email: gecedzureeer0v@mail.com</p> <p>City: New Jersey</p> <p>Country: United States</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
47	<liujo-japan.com>	<p>Nisha Tung</p> <p>Email: corrineexjcae7330@gmail.com</p> <p>City: Arizona</p> <p>Country: United States</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
48	<liujooslo.com>	<p>Zole Garza</p> <p>Email: alunhababackfe@mail.com</p> <p>City: Virginia</p> <p>Country: United States</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
49	<liujo-portugal.com>	<p>Loyda Granados</p> <p>Email: consngurpikagil1a@mail.com</p> <p>City: Colorado</p> <p>Country: United States</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
50	<liujo-romania.com>	<p>Christel Oquin</p> <p>Email: ovhulpurisarqb@mail.com</p> <p>City: Louisiana</p> <p>Country: United States</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED</p> <p>Name: Cai Liu</p>
51	<liujosverige.com>	<p>Cynthia Nelson</p> <p>Email: kibsukenseelq@mail.com</p> <p>City: Maryland</p>	<p>Registrar: ALIBABA.COM SINGAPORE E-COMMERCE</p>

		Country: United States	PRIVATE LIMITED Name: Cai Liu
52	<liujo-turkiye.com>	Brett Toothman Email: nautingnuremidz@mail.com City: Ohio Country: United States	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
53	<liujowebshop.com>	Anita Lorelli Email: dmagebsuakoun4@mail.com City: British Columbia Country: Canada	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu
54	<liujocanadasale.com>	Nedjma Zitouni Email: ziebourhogazihl@mail.com City: Quebec Country: Canada	Registrar: ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED Name: Cai Liu

#### PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSES HAVE BEEN FILED BY ANY OF THE RESPONDENTS.

#### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that each of the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

The Panel accepts that the Complainant has rights by reason of its ownership of the registered trademark "Liu.Jo". The question is whether each of the disputed domain names are identical or confusingly similar to the Complainant's trademark.

Whether a domain name is identical or confusingly similar to a trademark can be determined by making a side-by-side comparison with the domain name. The domain name is identical to the trademark when it is a character for character match. It is confusingly similar when it varies the trademark by, for example, adding generic terms to the dominant part of the trademark.

The Complainant contends that each of the disputed domain names incorporates the "Liu.Jo" trademark in their entirety. They cite section 1.8 of the WIPO Overview 3.0, which states that when the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, or otherwise, would not prevent a finding of confusing similarity under the first element of the Policy.

The Complainant contends that UDRP panels have consistently held that domain names are considered identical or confusingly similar to a trademark when the domain name includes the trademark or a confusingly similar approximation, regardless of other terms in the domain name. They reference the case of Bayerische Motoren Werke AG v. Registration Private, Domains By Proxy, LLC /Armands Piebalgs, Case No. D2017-0156, to support this contention.

The Complainant contends that the addition of geographical terms to the "Liu.Jo" trademark in the disputed domain names, such as "liujobelgie," "liujohungary," "liujohrvatska," "liujo-greece," and "liujo-turkiye," does not prevent a finding of confusing similarity. They

contend that these geographical terms do not have distinctive character and, in fact, increase the likelihood of confusion among Internet users, who may believe that the websites associated with the disputed domain names are related to the Complainant's business.

The Complainant further contends that some of the disputed domain names combine the "Liu.Jo" trademark with generic terms like "liujofactoryoutlet," "liujoutletwebshop," "liujocanadasale" (which also includes a geographical term), and "liujochiletienda" (with "tienda" meaning "store" in Spanish). They contend that adding these generic terms does not prevent a finding of confusing similarity and, in fact, reinforces confusion due to the similarity with the Complainant's business and the goods they offer.

The trademark itself consists of the letters "LIU" and "JO" separated by a dot. The Complainant's evidence adduced in relation to its trademark states that the wording "LIU JO" has no meaning in a foreign language. The Panel notes that the name of the Complainant "Liu.Jo S.p.A." which bears its trademark.

In the present case, all 54 of the disputed domain names incorporate in its entirety the Complainant's "Liu.Jo" trademark by the use of the word "liujo" without the dot. It appears to be the dominant element in each of the disputed domain names that seeks to create the impression that they are controlled by the Complainant.

The Panel understands that there cannot be two dots (.) registered for a domain name, for example <liu.jo.com>. The Panel considers that the word "liujo" incorporated in each of the 54 disputed domain names as a prefix to other terms (whether they are generic or geographical terms) is identical or confusingly similar to the Complainant's trademark "Liu.Jo". The addition of a generic or geographical term to a registered trademark does not prevent the Panel finding that there is confusing similarity.

It is also trite to state that the addition of the gTLD ".COM" does not add any distinctiveness to each of the disputed domain names and will be disregarded for the purposes of considering this ground.

Accordingly, the Panel considers that each of the disputed domain names is confusingly similar to the Complainant's trademark "Liu.Jo" and this ground is made out.

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#### NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondents to have no rights or legitimate interests in respect of each of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie case is made, the respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. See Document Technologies, Inc. v. International Electronic Communications Inc, WIPO Case No. D20000270.

If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455.

The Complainant's contentions can be summarized as follows:

#### **Bona Fide Offering of Goods or Services**

Each of the Respondents is not making use of, or demonstrable preparations to use, the disputed domain or names corresponding to the domain names in connection with a bona fide offering of goods or services.

The Complainant asserts that it is the date on which each of the Respondents took possession of the disputed domain names that is relevant in determining whether each of them had rights or legitimate interests therein.

The Complainant adduces evidence of the WHOIS information to demonstrate that 39 of the disputed domain names were registered between March 9, 2023 and March 23, 2023, with additional registrations on April 26, 2023 and April 27, 2023; and one outlier on May 10, 2023.

The Complainant and the Respondents have no relationship, and the Respondents have never been licensed or authorized to use the "Liu.Jo" trademark or the disputed domain names.

#### **Commonly Known by the Domain Name**

Each of the Respondents has not been commonly known by the disputed domain names prior to their respective registration.

Each of the Respondents has not provided credible evidence to show that they are commonly known by the disputed domain names apart from the registration of the disputed domain names themselves.

The Respondents do not hold any genuine trademark or service mark right. The use of "Liu.Jo" on the Respondents' websites, even if in a "trademark sense," does not prove that the Respondents, or any business or organization represented by them, is commonly known by that expression.

#### **Legitimate Non-commercial or Fair Use**

Each of the Respondents is not making a legitimate non-commercial or fair use of the disputed domain names. Instead, each of them

intends to use the respective disputed domain name for commercial gain to misleadingly divert consumers or tarnish the trademark or service mark at issue.

The Complainant asserts that the Respondents are offering multiple goods originating from the Complainant for sale, which negates any claim of non-commercial use. Panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. This risk is not altered when a domain name consists of a trademark plus an additional term, especially a geographical term or terms with an "inherent Internet connotation."

There are 54 domain names registered that incorporate the Complainant's trademark in its entirety, often with the addition of geographic terms or generic words related to the Complainant's business.

The Respondents have attempted to impersonate the Complainant, prominently featuring the Complainant's well-known "Liu.Jo" figurative trademark on their websites and using similar color schemes and formats.

The Respondents' use of the "Liu.Jo" trademark on every page of the disputed domain names suggests a commercial relation with the Complainant where none exists. Additionally, the Respondents have not added any disclaimer on the disputed domain names to clarify their lack of a commercial relation with the Complainant.

The Panel accepts that the Complainant holds exclusive trademark rights predating the registration of all the disputed domain names by several decades. The evidence shows that the Respondents have no rights or legitimate interests to use the Complainant's trademark in a confusingly similar manner within the disputed domain names.

The Complainant's contentions are uncontradicted as there have not been any administratively compliant responses filed by any of the Respondents.

The Panel is prepared to accept the Complainant's contention that the Respondents cannot demonstrate any legitimate offering of goods or services under the "Liu.Jo" trademark.

The evidence here also shows that each of the Respondents is not commonly known by the disputed domain names they registered, nor the Respondents have legitimate interest over the disputed domain names.

The Panel observes that there are a sizeable number of disputed domain names that collectively would have cost a significant sum of money to register. If any one or all the Respondents have any rights to the disputed domain names, then it is incumbent on them to have filed an administratively compliant response.

Such omission is glaring, and the Panel can only infer that the Respondents' use of the disputed domain names is aimed at commercial gain, misleadingly diverting consumers, and tarnishing the Complainant's trademark.

Given the evidence adduced by the Complainant of its portfolio of trademarks and wide reputation which the Panel accepts as evidencing the strength of its reputation, the Panel accepts and finds that each of the Respondents has no rights or legitimate interests to the disputed domain names.

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#### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that each of the disputed domain names has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

The Complainant contends that the Respondents have registered and is using the disputed domain names in bad faith.

#### **Pattern of Conduct – Preventing Trademark Owner**

Registration and use of a domain name in bad faith can be evidenced when a respondent engages in a pattern of conduct to prevent the owner of the trademark or service mark from reflecting the mark in corresponding domain names.

A "pattern of conduct" typically involves multiple domain names directed against multiple complainants but may also involve multiple domain names directed against a single complainant. See paragraph 3.3 of the WIPO Overview 3.0.

The Complainant contends that there is an established pattern of conduct here by the registration of a total of 54 disputed domain names in a relatively short period of time, ie from March 9, 2023 to May 10, 2023, with the aim to prevent the Complainant, as the legitimate trademark owner, from reflecting their trademark in corresponding domain names. See *Salvatore Ferragamo S.p.A v Ying Chou*, WIPO Case No. D2013-2034.

The Panel considers that this pattern is aligned with the concept of "cornering the market" in domain names that reflect a complainant's trademark.

In the present case, the Panel considers that the registration of numerous variations containing the Complainant's trademark in combination with generic terms related to the Complainant's business and/or geographical terms which refers to a single country amounts to a "pattern of conduct" that supports a finding of abusive registration. See *Telstra Corporation Limited v Ozuris*, WIPO Case No. D2001-0046; *Tommy Hilfiger Licensing B.V. v Web Commerce Communications Limited*, (2022) CAC 104505.

## **Intentional Attraction for Commercial Gain**

A circumstance of bad faith registration and use arises when a respondent intentionally attempts to attract, for commercial gain, internet users to its website by creating a likelihood of confusion with the complainant's trademark as to the source, sponsorship, affiliation, or endorsement.

The mere registration of a domain name that is identical or confusingly similar, particularly domain names comprising typos or incorporating the mark plus a descriptive term, to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See paragraph 3.1.4 of the WIPO Overview 3.0.

The Complainant relies on previous Panel decisions that found that the Complainant's trademarks are well known and widely recognized. See *Liu.Jo S.p.A. v. Anita Kreft*, WIPO Case No. D2015-0522; *Liu.Jo S.p.A. v. Liu Xuemei*, WIPO Case No. D2017-0808; *Liu.Jo S.p.A. v. Zhao Huazheng*, WIPO Case No. D2018-0283.

The Complainant contends that the Respondents were clearly using the Complainant's trademark without permission to get traffic to its websites and to obtain commercial gain by creating a false impression of a potential affiliation or connection with the Complainant. This false impression was increased by the incorporation of the Complainant's trademark in each of the 54 disputed domain names; the similar goods being offered on the websites corresponding to the disputed domain names; and the unauthorized featuring of the Complainant's trademark in a prominent manner on the websites related to the disputed domain names.

The Panel has already found that the Complainant has rights to the "Liu.Jo" trademark and given the Complainant's widely held reputation and business. The Panel considers the Respondents' conduct of using the disputed domain names to publish a page that reproduces the "look and feel" of the Complainant's official website and reproducing its logos and trademarks as clear evidence of both registration and use in bad faith.

The Complainant also contends that the use of privacy protection service on each of the disputed domain names raises suspicion that seeks to obscure the true identity of the registrant and potentially to hinder the protection of the Complainant's trademark rights.

Accordingly, the Panel is prepared to draw the adverse inference that each of the Respondents registered the disputed domain names incorporating the "Liu.Jo" trademark to take advantage of reputation of the Complainant's trademark and the Complainant's business goodwill. The Panel need not consider additional contentions put by the Complainant as the above assertions and evidence adduced support the contention of registration in bad faith.

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## **PROCEDURAL FACTORS**

### **Consolidation of the disputed domain names in a single dispute**

The Complainant requests consolidation of the disputed domain names into a single proceeding.

Rule 10(e) empowers the Panel to decide such a request in accordance with the Policy and the Rules.

"Respondent" is defined in Rule 1 to mean "the holder of a domain-name registration against which a complaint is initiated". Rule 3(c) provides that "the complaint may relate to more than one domain, provide that the domain names are registered by the same domain-name holder".

If the registrants are in fact separate legal or beneficial entities the Policy requires a complainant to initiate separate proceedings against each registrant of the disputed domain names.

The "domain-name holder", if its identity is disclosed, is usually the beneficial owner. If its identity is not disclosed, it is then a proxy holder. Even if the identity of the beneficial owner is determined, it is only prima facie identification of the putative registrant of the domain name and is not conclusive of the real identity of the beneficial owner as aliases could be used as the alter egos of the controlling entity.

A complainant bears the onus of proof. It is, therefore, important for a complainant to adduce evidence that establishes a common ownership or control that is being exercised over the disputed domain names or the websites to which the disputed domain names resolve. See *Speedo Holdings BV v Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. D2010-0281; *General Electric Company v Marketing Total S.A.* WIPO Case No. D2007-1834.

The phrase "same domain-name holder" under Rule 3(c) has been construed broadly to include registrants who are not the same person, but circumstances point to the domain names being controlled by a single person or entity. See WIPO Jurisprudential Overview 3.0, Paragraph 4.11.2; *Dr Ing. H.c.F. Porsche AG v Kentech Inc aka Helois Lab aka Orion Web aka Titan Net aka Panda Ventures aka Spiral Matrix and Domain Purchase, NOLDC, Inc.*, WIPO D2005-0890; *Kimberly Clark Corporation v N/A, Po Ser and N/A, Hu Lim*, WIPO D2009-1345.

Thus, the domain-name holder can either be the registrant or a person with "practical control" of the domain name.

Typically, the evidence would show that there are some matching details including entities, addresses, telephone numbers, and/or email accounts.

The Panel refers to the table of disputed domain names set out in the Factual Background section.

The Panel considers that the 35 disputed domain names would constitute a single respondent. The question is whether the remaining 19 disputed domain names' registrants appear to be a nominal registrant for the same domain name holder.

The Complainant refers to the following common factors:

1. All 54 disputed domain names have been registered through the same at the same registrar, ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED.
2. All 54 disputed domain names have been registered within a short timeframe (a mere three months apart). 19 of the disputed domain names were registered on the exact same date, March 9, 2023. 20 registrations followed on the March 11, 2023, March 15, 2023, and March 23. The Respondent then proceeded to register an additional 14 domain names, on the March 26, 2023 (1 domain name) and the April 27, 2023 (13 domain names). Finally, 1 additional registration was done on the May 10, 2023.
3. All disputed domain names use a similar naming pattern, namely the entirety of Complainant's trademark, accompanied by a geographical term and/or a generic term, sometimes divided by a 'dash' sign.
4. All the domain names resolve to substantially the same websites that impersonate the Complainant and which serve the same function, namely the sale of luxury clothing and accessories.
5. All disputed domain names contain the Complainant's visual mark in the header of the page and substantially the same fake copyright notice at the bottom, which states that they are 'powered by' themselves ("Powered by liujobelgie.com").
6. All the websites related to the disputed domain names use a near identical 'favicon' (favicon.ico image) as the one displayed on the official domain of Complainant's <liu.jo.com>.
7. All disputed domain names are hosted on only 4 different IP-address zones: 104.160, 165.231, 196.196 and 196.247.
8. The Respondents related to 18 out of the 19 disputed domain names not supposedly registered by WebNic all use an @mail.com email address. It is highly unlikely that such a large group of allegedly "different" natural persons would all use the exact same e-mail provider. Furthermore, the email addresses do not refer to words or appears to have any relation to the name of the respondents, but rather appear to be randomly generated.

The Complainant contends that, on the balance of probabilities, all the 54 disputed domain names are owned or under the effective control of a single person or entity, or a group of individuals acting in concert.

The Panel is persuaded that it is likely true that the motive is to hide the true identity of the registrant, and accordingly the Panel is satisfied by the Complainant's evidence linking the registrants as being beneficially owned by a common entity or practically controlled by a single person or entity.

The Panel finds that by the preponderance of the evidence adduced in support of consolidation and determines that consolidation into a single complaint is appropriate in this case.

#### **Language of proceedings request**

The Complainant requests that the English language should be the language of the proceeding rather than the Chinese language for the following reasons:

1. The disputed domain names are all formed by words in the Latin script and not in Chinese characters.
2. The disputed domain names are in Latin characters and not in Chinese characters. All the domain names include the English-language trademark.
3. All the disputed domain names are in the international .COM zone.
4. The Respondents use English on many of the disputed domain names, demonstrating that Respondents are familiar with the English language.
5. The WHOIS data mentions: "Registrar URL: <http://www.alibabacloud.com>", meaning that the Respondents use the Registrar's English language website to register the disputed domain names. Furthermore, the registrar, Alibaba Singapore, uses an English language domain name registration agreement (<https://www.alibabacloud.com/>).
6. Requiring the Complainant to translate the Complaint into another language would create an undue burden and delay.

Rule 11(a) of the UDRP rules states:

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.

In conducting the administrative proceeding, the Panel is required to ensure under Rule 10 of the UDRP rules that the Parties are

treated with equality and be given a fair opportunity to present its case.

The Respondent has not filed any administratively compliant response to the Complainant's Amended Complaint.

On balance, the Panel considers the proceedings can proceed in the English language given the disputed domain names use an English language trademark that is combined with an English language generic terms or geographical terms.

In the circumstances, the Panel accepts the Complainant's request and considers that it is appropriate to proceed to determine the proceeding in the English language.

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#### PRINCIPAL REASONS FOR THE DECISION

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

On September 8, 2023 the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

That written notice was sent by post only to the Respondent's address: Web Commerce Communications Limited to Mal[a]ysia. (sic)

Email notices were sent to all of the postmaster addresses listed.

These were returned back undelivered as the e-mail addresses had permanent fatal errors.

No receipt of any proof of delivery or notification of undelivery.

No further e-mail address could be found on the disputed site.

The Respondents never accessed the online platform.

Given the reasonable measures employed by CAC as set out in the above non-standard communication, the Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

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#### FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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#### AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **liujobelgie.com**: Transferred
2. **liujocipo.com**: Transferred
3. **liujodanmark.com**: Transferred
4. **liujogreece.com**: Transferred
5. **liujohrvatska.com**: Transferred
6. **liujohrvatskaonline.com**: Transferred
7. **liujohungary.com**: Transferred
8. **liujonederlandonline.com**: Transferred
9. **liujonorge.com**: Transferred
10. **liujoonlineportugal.com**: Transferred
11. **liujopolska.com**: Transferred
12. **liujoportugal.com**: Transferred
13. **liujoromania.com**: Transferred
14. **liujoromaniaonline.com**: Transferred
15. **liujoslovensko.com**: Transferred
16. **liujosneakersoutlet.com**: Transferred
17. **liujosuomi.com**: Transferred
18. **liujotenisky.com**: Transferred
19. **liujoturkiyeonline.com**: Transferred
20. **liujoparis.com**: Transferred



21. **liujousa.com**: Transferred
22. **liujooutletonline.com**: Transferred
23. **liujoaustraliashop.com**: Transferred
24. **liujochiletienda.com**: Transferred
25. **liujo-nederland.com**: Transferred
26. **liujonorgeoutlet.com**: Transferred
27. **liujooutletparis.com**: Transferred
28. **liujooutletportugal.com**: Transferred
29. **liujooutletsverige.com**: Transferred
30. **liujooutletwebshop.com**: Transferred
31. **liujopolskasklep.com**: Transferred
32. **liujostockistsireland.com**: Transferred
33. **liujoturkey.com**: Transferred
34. **liujoukshop.com**: Transferred
35. **liujousaonline.com**: Transferred
36. **liujo-australia.com**: Transferred
37. **liujodubai.com**: Transferred
38. **liujodubaimall.com**: Transferred
39. **liujofactoryoutlet.com**: Transferred
40. **liujolondon.com**: Transferred
41. **liujooutletuk.com**: Transferred
42. **liujo-ireland.com**: Transferred
43. **liujoisrael.com**: Transferred
44. **liujodenmark.com**: Transferred
45. **liujo-greece.com**: Transferred
46. **liujohelsinki.com**: Transferred
47. **liujo-japan.com**: Transferred
48. **liujooslo.com**: Transferred
49. **liujo-portugal.com**: Transferred
50. **liujo-romania.com**: Transferred
51. **liujosverige.com**: Transferred
52. **liujo-turkiye.com**: Transferred
53. **liujowebshop.com** : Transferred
54. **liujocanadasale.com**: Transferred

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## PANELLISTS

Name	<b>William Lye OAM KC</b>
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DATE OF PANEL DECISION	2023-09-21
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Publish the Decision

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