Decision for dispute CAC-UDRP-107241

Case number	CAC-UDRP-107241
Time of filing	2025-02-14 10:00:31
Domain names	kangaroomommy.com, kangaroomommy.net

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Guangzhou Natuspace Biotechnology Co., Ltd.
Organization	Guangdong Kangaroo mommy Group Co., Ltd.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	YINGPIN HU

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.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of trademark registrations for KANGAROO MOMMY, including the following:

- China trademark registration No. 13991537, registered on 14 June 2015;
- China trademark registration No. 17464724, registered on 28 November 2016;
- China trademark registration No. 17464883, registered on 28 January 2018;
- China trademark registration No. 18183700, registered on 14 September 2017; and

China trademark registration No. 18184446, registered on 7 December 2016.

FACTUAL BACKGROUND

The 1st Complainant weas established in 2020, and the 2nd Complainant was established in 2016. (collectively referred to as the "Complainant"). The 1st Complainant is the manufacturer of products under the KANGAROO MUMMY brand, while the 2nd Complainant is the manager of the KANGAROO MUMMY brand. The Complainant's products relate to maternity care, baby care,

facial care, oral care, and body care. The Complainant states that as of 2024, the Complainant has been ranked first in sales in maternity and infant skin care products on Tmall for 11 consecutive years.

The Complainant currently operates two R&D centres in Melbourne, Australia, and in Guangzhou, China. It also has its own factory, and has reached an agreement with Symrise, Zhejiang University, and Coty to construct a joint laboratory for maternity and infant skin care products.

The Complainant's revenue comes from both online sales and offline sales. Its online sales include its own B2C platform, and other e-commerce channels such as Tmall, JD.com, Vipshop, Douyin, and Kuaishou. The Complainant's online sales account for 90% of its total revenue.

The Complainant's brand spokespersons include various celebrities such as Hong Kong artist, Ying Caier, and Chinese track and field athlete, Su Bingtian.

The Complainant has won a number of industry awards and has a fanbase of millions on Chinese platforms such as Tmall, Douyin, Xiaohongshu, and Pinduoduo, which affords it a high degree of popularity and recognition amongst the relevant public.

The Respondent is identified in the registration information as YINGPIN HU of Room 22D, No. 3, Rongjing 1st Road, Yonghe Yushan International, Xintang Town, Zengcheng District, Guangzhou, China.

The disputed domain names are:

- <kangaroomommy.com>, registered on 11 March, 2017; and
- <kangaroomommy.net>, registered on 24 February 2022.

At the time of filing the Complaint and Response, the disputed domain names resolved to inactive websites.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

The Respondent filed a Response, stating that he has been in the "cross-border e-commerce industry" since 2017 and is also a professional blogger, operating multiple websites, including:

- <senseorient.com>, an e-commerce platform;
- <surplusnest.com>, a website specializing in furniture products;
- <phawhy.com>, a blog sharing exercises and health knowledge;
- <hooshout.com>, a blog sharing daily life content;
- <hoospeak.com>, a blog sharing daily life content; and
- <vanchier.com>, a blog sharing daily life content.

The Respondent contends that he is not a malicious domain name seller, and is focused on legitimate business activities. He also states that he has neither publicly resold domain names at a high price, nor extorted the Complainant.

Amongst the 17 domain names the Respondent owns, the selection and registration of the disputed domain names was due to his fondness of their meanings and ease of remembrance. He states that both "kangaroo" and "mommy" are common English terms.

The Respondent states that he registered the disputed domain names as they were available, and intends to build a business using the disputed domain names in the future. The Respondent further states that half of the domain names he owns are unused as he does not have the time to operate them, and he does not have any specific business plans for the unused domain names.

The Respondent states that he only became aware of the Complainant's KANGAROO MOMMY brand in 2023 after coming across an advertisement. He states that in China, brands may not become widely recognized due to China's large size, even if they are well known in their niche markets. As the Respondent is unmarried, he was not exposed to advertisements for skincare products for pregnant women.

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

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

BAD FAITH

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

PROCEDURAL FACTORS

The language of the registration agreements is Chinese.

The Complainant initially filed the Complaint in English but re-filed the Complaint in Chinese.

The Respondent, after receiving the initial Complaint, filed a Response in English.

The Panel decided that it would be expedient to conduct the proceedings in English, and on 11 March 2025, issued Procedural Order 1, requesting that the Complainant file an English translation of the Complaint. The Complainant filed an English translation of the Complaint on 14 March 2025

The Panel is satisfied that all other procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision in English.

PRINCIPAL REASONS FOR THE DECISION

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a 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 Complainant has provided evidence that it owns registered trademark rights in the KANGAROO MOMMY trade mark.

The disputed domain names contain the entirety of the Complainant's KANGAROO MOMMY trade mark with no alterations.

Consequently, the Panel finds that the Complainant has shown that the disputed domain names are identical to a trade mark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once a 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.

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain names. The Complainant provided evidence that it owns trademark rights in the KANGAROO MOMMY mark long before the disputed domain names were registered. The Respondent is not affiliated with the Complainant and was not licensed or otherwise authorized by the Complainant to use the Complainant's KANGAROO MOMMY trade mark or to register it in a domain name. There is no evidence that the Respondent has been commonly known by any of the disputed domain names.

The Respondent claims that he registered the disputed domain names with the intent to build a suitable business utilising the disputed domain names. However, he has not furnished any evidence of any plans to utilise the disputed domain names as claimed, aside from a bare assertion. Additionally, the Respondent provided no evidence that he has been involved in the "cross-border e-commerce industry" since 2017 nor of his ownership of the domain names associated with the "multiple websites" he named.

The disputed domain names were registered several years after the first Chinese trademark registration was obtained and after the apparent widespread fame of the Complainant's trade mark.

The Respondent failed to rebut the Complainant's prima facie case showing he has rights or legitimate interests in the disputed domain names. There is no evidence to show that the Respondent had used, or was planning to use the disputed domain names for any legitimate purpose or that he had a track record of involvement in the e-commerce industry since 2017.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

C. Registered and Used in Bad Faith

The Complainant must also show that the Respondent registered and is using the disputed domain names in bad faith (see Policy, paragraph 4(a)(iii)).

The KANGAROO MOMMY mark is a distinctive and appears to be a well-known trade mark in China, having been used and advertised for around 10 years. The trademark is exclusively associated with the Complainant and it would be hard to conceive of any good faith registration and use of the disputed domain names by the Respondent which incorporates the KANGAROO MOMMY mark.

The Respondent alleges that the Complainant's KANGAROO MOMMY brand is not widely known in China, and he has not come into contact with the brand until 2023 as he is an unmarried man with no children. The Complainant has provided evidence that its products are well known across China, through its celebrity endorsements, and presence on numerous e-commerce and social media platforms. Logically, even though one may not be the target audience, one would invariably come across various advertised brands. For instance, the fact that a person does not drink alcohol does not mean that he or she would therefore not come across or be exposed to advertisements relating to beer or spirits. The Panel is therefore unconvinced by the Respondent's argument and rejects it accordingly. The Panel finds that it is more likely than not that the Respondent knew of the Complainant's KANGAROO MOMMY trade mark at the time of registering the disputed domain names.

The disputed domain names resolve to inactive webpages. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the KANGAROO MOMMY trade mark, the composition of the disputed domain names, the reputation of the Complainant's mark in China where the Respondent is located, the failure to provide any evidence of actual or contemplated good-faith use, and finds that in the circumstances of this case, the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy. The Respondent has failed to provide corroborating or supporting evidence that is sufficient to rebut the Complainant's case.

The Panel therefore concludes that the disputed domain names were registered and used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **kangaroomommy.com**: Transferred
2. **kangaroomommy.net**: Transferred

PANELLISTS

Name	**Francine Tan**

DATE OF PANEL DECISION 2025-03-20

Publish the Decision