Decision for dispute CAC-UDRP-107380

Case number	CAC-UDRP-107380
Time of filing	2025-03-10 09:22:12
Domain names	geekbarl.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	mone meo

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or concluded legal proceedings concerning the domain name <geekbarl.com> ('the disputed domain name').

IDENTIFICATION OF RIGHTS

The Complainant, Guangdong Qisitech Co., Ltd., asserts rights to several registered trade marks, among others:

• EU trade mark registration no. 018225081, registered on 26 August 2020, for the word mark GEEK BAR, in class 34 of the Nice Classification; and

• Chinese trade mark registration no. 45380452, registered on 7 January 2021, for the word mark GEEK BAR, in class 34 of the Nice Classification.

The aforementioned trade marks shall be referred to as 'the Complainant's trade mark' or 'the trade mark GEEK BAR'.

The disputed domain name was registered on 10 April 2024 and currently resolves to an online store offering products under the trade mark GEEK BAR (for present purposes, 'the Respondent's website').

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant, established in 2016, is a Chinese enterprise focused on GEEK BAR disposable electronic cigarettes. The GEEK BAR vape devices are known for their advanced dual-core technology and global market presence.

B. Respondent's Factual Allegations

The Respondent has failed to submit a Response in this UDRP administrative proceeding, leaving the Complainant's allegations unchallenged.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's contentions can be summarised as follows.

A.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The Complainant asserts that the disputed domain name <geekbarl.com> is confusingly similar to the trade mark GEEK BAR. The addition of the letter 'l' does not create distinctive meaning, nor does the generic Top-Level Domain ('the TLD') <.com> affect the likelihood of confusion. The disputed domain name's incorporation of the trade mark GEEK BAR suggests potential confusion.

A.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Respondent lacks rights or legitimate interests regarding the disputed domain name. The Respondent's website mimics the GEEK BAR's official website, causing consumer deception. The Complainant found no evidence that the Respondent possess trade mark rights in 'geek bar' or an authorised relationship with the Complainant. The Complainant confirms it has never permitted the Respondent to use its trade marks or related domain names.

A.3 The Respondent registered and is using the disputed domain name in bad faith

The Complainant asserts that the Respondent registered and is using the disputed domain name in bad faith. Notably, the distinctiveness of the trade mark GEEK BAR, combined with the Respondent's website's identical content, indicates that the Respondent was aware of the trade mark GEEK BAR prior to registration of the disputed domain name. This suggests an intent to mislead Internet users for profit, qualifying as bad faith under paragraph 4(b)(iv) of the UDRP Policy.

A.4 Relief sought

The Complainant requests the transfer of the disputed domain name to itself.

B. Respondent's Submissions

The Respondent has defaulted in this UDRP administrative proceeding, failing to provide any substantive defence.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP 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 name (within the meaning of paragraph 4(a)(ii) of the UDRP Policy).

BAD FAITH

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

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP have been duly met, with no grounds preventing a decision

from being issued.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework and Burden of Proof

Pursuant to Rule 15 of the UDRP Rules, the Panel will determine the case based on the statements and documents submitted, together with the UDRP Policy, UDRP Rules, and any pertinent rules and principles of law.

Under paragraph 4(a) of the UDRP Policy, the onus is on the Complainant to establish three essential elements for a successful claim:

> i. The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
>
> ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
>
> iii. The disputed domain name has been registered and is being used in bad faith.

These three elements shall be collectively termed 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings is the balance of probabilities. The Panel will assess each requirement sequentially.

B. Identical or Confusingly Similar

The Panel finds that the Complainant possesses UDRP-relevant rights in the registered trade mark GEEK BAR as of 2020.

The disputed domain name <geekbarl.com> wholly incorporates the trade mark GEEK BAR, with the addition of the letter 'l' not materially affecting recognisability. The TLD (<.com>) is insufficient to differentiate the disputed domain name from the Complainant's trade mark, leading the Panel to conclude that the Complainant has fulfilled the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence indicates that the Respondent is not commonly known by the disputed domain name and has failed to obtain the necessary authorisation from the Complainant to utilise the trade mark GEEK BAR. Furthermore, the Respondent appears to have made no legitimate use of the disputed domain name for a bona fide offering of goods or services, nor has any legitimate non-commercial or fair use been demonstrated.

Accordingly, the Panel finds that the Complainant has satisfied the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The evidence suggests that the Respondent registered and is using the disputed domain name to deliberately target the Complainant. Given the Respondent's reputation and the similarity of the disputed domain name, coupled with the Respondent's failure to challenge the Complainant's allegations, the Panel infers bad faith. The Respondent's actions fall within the criterion for bad faith under paragraph 4(b)(iv) of the UDRP Policy.

Therefore, the Complainant has met all three requirements of the UDRP Policy.

E. Decision

For the aforementioned reasons, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <geekbarl.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **geekbarl.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2025-04-04

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Publish the Decision