Decision for dispute CAC-UDRP-107377

Case number	CAC-UDRP-107377
Time of filing	2025-03-10 08:51:32
Domain names	geekbarr.net

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Organization	THE GREEN SOLUTION

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, inter alia, the owner of trademarks for GEEK BAR and Geek Bar (fig), inter alia the International Registration GEEK BAR 1 676 896 in class 34 registered on June 6, 2032 for the Syrian Republic the Islamic Republics of Iran and the Chinese Trademark 47625710 GEEK BAR (fig.) registered on October 14, 2021 in class 34, being in effect.

FACTUAL BACKGROUND

The Complainant is a Chinese company, established in 2016 and focused on the development, production, as well as sales of the disposable electronic smokable brand under the trademark GEEK BAR being sold in Russia, the United States, the Middle East, Europe amongst others. Including after sales services, they have provided services to over hundred million users.

The website under the disputed domain name is similar to Complainant´s website using the GEEK BAR (fig) mark in an identical form and offer Complainant´s products. Under ABOUT US it says, inter alia, „our pioneering GEEK BAR“.

The disputed domain name was registered on August 12, 2024.

PARTIES CONTENTIONS

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant, inter alia, contends, that the domain name contains in its entirety the Complainant´s mark GEEK BAR, whereas the additional letter „R“ at the end does not give a new meaning. The Respondent has no legitimate interest in the domain name in question, since he bears another name and was never authorised to use the trademark of the Complainant. The domain name in question has been both acquired and is being used in bad faith as the Complainant was well known already at the time of the registration of the disputed domain name and the website under the disputed domain name copies the content of Complainant´s website.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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).

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 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 Policy).

PROCEDURAL FACTORS

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.

PRINCIPAL REASONS FOR THE DECISION

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) The Respondent has no rights or legitimate interests with respect to the domain name; and

(iii) The domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for „GEEK BAR“ for several countries.

The disputed domain name is confusingly similar to the distinctive GEEK BAR marks of the Complainant since the addition of the letter „R“ at the end of the 2nd level domain name does not prevent a finding of a sufficient confusing similarity.

The Panel therefore considers the domain name to be confusingly similar to the trademark „GEEK BAR“, in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights in the disputed domain name since the Respondent was not authorised by the Complainant to use its trademarks. Furthermore, the Respondent has no legitimate interest in the domain name since there is no indication that the Respondent is commonly known by the name “GEEK BARR” nor that the Respondent is using the domain name in connection with a bona fide offering of related goods or services since the website under the disputed domain name creates the impression that the Complainant is selling products there which is not the case.

The Panel therefore finds that the respondent does not have rights or legitimate interests in the domain name.

C. Registered and Used in Bad Faith

The mark of the Complainant being widely used before the domain name was registered and the reference to the figurative trademark of the Complainant and its products on the website under the disputed domain name shows that Respondent was well aware of the Complainant and its trademarks. Furthermore, Respondent pretends to be the Complainant. The Complainant has not authorized the Respondent to make use of a designation which is identical to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant’s authorization.

The circumstances of this case indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

The Panel therefore considers the domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **geekbarr.net**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2025-04-14

Publish the Decision