Decision for dispute CAC-UDRP-107390

Case number	CAC-UDRP-107390
Time of filing	2025-03-17 09:53:23
Domain names	geekbarkopen.com, geekbaritalia.net, geekbarjapan.net, geekbarmagyarorszag.net, geekbarpulsexaustralia.com, geekbarpulsesverige.net

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	Paul Jones

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 has filed trademark applications in the countries and regions where it conducts frequent business activities.

To date, the Complainant claims to hold exclusive rights to the GEEK BAR trademark in multiple jurisdictions. Notably, the following trademarks were registered well before the disputed domain names were created:

- EU Registration Number 018225081 for GEEK BAR, effective date is 26 August 2020, designating goods and services in international classes 34;
- U.S. Registration Number 6275589 for GEEK BAR, effective date is 23 February 2021, designating goods and services in international classes 34;
- Madrid Registration Number 1676896 for GEEK BAR, effective date is 8 June 2022, designating goods and services in international classes 34.

FACTUAL BACKGROUND

The Complainant, Guangdong Qisitech Co., Ltd., was established in 2016 and specializes in the development, production, and sales

of the Geek Bar disposable electronic cigarette brand.

Geek Bar, founded in 2015 and now independently operated by the Complainant, is one of the leading brands in the global disposable vape market. The product line includes over ten models such as the Pulse Series (Patriot, Pulse, Pulse X), Geek Bar Skyview, and Geek Bar Wondar. Geek Bar devices are known for their innovative dual-core technology, offering superior performance and strong market competitiveness.

The Complainant maintains a highly skilled R&D team comprising over 100 senior engineers specializing in product research, industrial design, material innovation, testing, and patent development. By leveraging advanced international design methodologies, the company provides comprehensive OEM solutions, ranging from design and R&D to procurement, manufacturing, and after-sales service, customized to meet clients' specific needs. Geek Bar products are distributed across key global markets, including Russia, the United States, Europe, and the Middle East, serving hundreds of millions of users worldwide.

The brand has experienced rapid global growth, particularly in the UK, where it has invested £120 million in a new manufacturing facility in Zhuhai, China. The plant is scheduled for completion within two years. In the United States, Geek Bar entered Nielsen's Market Scan in November 2023 and saw a sharp rise in popularity throughout 2024.

Geek Bar is a regular participant in international vape exhibitions and has received multiple awards for excellence in product design.

In conclusion, the Geek Bar brand enjoys strong global recognition and consumer association. A simple Google search overwhelmingly points to the Complainant, reflecting its market prominence and established brand identity.

The Respondent appears to be an individual residing in the United States.

The disputed domain names were registered on 11 October 2024.

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.

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown 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 Complainant claims rights in the GEEK BAR trademark through its international trademark registration. By virtue of its trademark registrations, the Complainant has proved that it has rights in the mark under paragraph 4(a) of the Policy. See Avast Software s. r. o. v Milen Radumilo, 102384, (CAC 2019-03-12).

Furthermore, the Complainant contends that the addition of generic terms such as "kopen" (buy in Dutch), "pulse" and "pulse x" as well as geographical terms including "australia", "italia", "japan", "magyarország" (Hungary in Hungarian) and "sverige" (Sweden in Swedish), does not sufficiently distinguish the disputed domain names or eliminate the likelihood of confusion with the Complainant's mark. Likewise, the presence of generic top-level domains (gTLDs) such as ".com" or ".net" does not serve to differentiate the disputed domain names from the Complainant's prior rights.

- <geekbar**kopen**.com> (Geek Bar + kopen + .com)
- <geekbar**italia**.net> (Geek Bar + Italia + .net)
- <geekbar**japan**.net> (Geek Bar + Japan + .net)
- <geekbar**magyarorszag**.net> (Geek Bar + Magyarorszag + .net)
- <geekbar**pulsexaustralia**.com> (Geek Bar + Pulse X + Australia + .com)
- <geekbar**pulsesverige**.net> (Geek Bar + Pulse + Sverige + .net)

By doing a side-by-side comparison, the Panel finds that the disputed domain names are indeed confusingly similar to the Complainant's GEEK BAR trademark. The presence of additional terms and the gTLDs do not negate the distinctiveness of the mark or prevent a finding of confusing similarity. See paragraph 1.7 of the WIPO Overview 3.0.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain names, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant asserts that, based on its investigation, the Respondent holds no trademark rights in the GEEK BAR name. Additionally, the Complainant confirms that it has neither directly nor indirectly authorized the Respondent to use the GEEK BAR trademark or any corresponding domain names in any manner. There is also no evidence that the Respondent is commonly known by the disputed domain names.

The Complainant further alleges that the Respondent's use of the disputed domain names constitutes impersonation or falsely implies sponsorship or affiliation with the Complainant. Such conduct does not qualify as fair use under the Policy.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. See Harley-Davidson Motor Company, Inc. v. Lina, Case No. 106758 (CAC, Sept. 4, 2024) (“Past panels have agreed that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See also paragraph 2.13 of the WIPO Jurisprudential Overview 3.0.

Accordingly, the burden shifts to the Respondent to demonstrate any rights or legitimate interests in the disputed domain names. However, the Respondent has failed to submit a response within the required timeframe to rebut the Complainant’s assertions.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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).

The Complainant reiterates that the GEEK BAR mark has achieved a high level of popularity as a result of extensive and continuous use. It further notes that “GEEK BAR” is not a common word in French, English, or any other language, thereby enhancing its inherent distinctiveness. The brand has experienced a significant surge in sales in recent years, and the GEEK BAR mark has acquired a high degree of distinctiveness through the Complainant’s consistent and widespread promotion efforts.

The Complainant further contends that the Respondent is impersonating the Complainant and that the disputed domain names closely mimic the content and appearance of the Complainant’s official website for commercial gain. This conduct constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Upon reviewing the website screenshots associated with the disputed domain names, and taking into account the Respondent’s failure to submit a response within the required timeframe, the Panel concludes that the Respondent was likely aware of the Complainant’s GEEK BAR trademark at the time of registration. See Guangdong Qisitech CO., LTD. vs mone meo, 107380 (CAC 2025-04-04) ("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.")

Furthermore, the Panel finds that the Respondent’s deliberate impersonation of the Complainant for commercial benefit constitutes bad faith. See Esselunga S.p.A. v. Xuxu, 105785 (CAC, 2023-11-13) (“The Panel is persuaded that the Domain Name, comprising the Complainant’s fanciful trademark and the ordinary word ‘shop,’ inherently impersonates the Complainant. Given the nature of the Domain Name and the size and reputation of the Complainant’s business under the ESSELUNGA mark, the Panel is also persuaded that this impersonation is deliberate on the part of the Respondent.”).

For the foregoing reasons, the Panel finds the Complainant has satisfied 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.

PRELIMINARY FINDINGS - CONSOLIDATION:

Pursuant to paragraph 10(c) of the Rules that a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules. The Rules further state that Respondent means the holder of a domain

name registration against which a complaint is initiated. The Complainant submitted a request for consolidation that all the disputed domain names were registered by the same Respondent and managed by the same Registrar.

Disputed domain name	Registrant	Registration date	Expiration date	Registrant Country	Registrar
<geekbaritalia.net>	Jones Paul	11/10/2024	11/10/2026	US	Hongkong Kouming International Limited
<geekbarjapan.net>	Jones Paul	11/10/2024	11/10/2026	US	Hongkong Kouming International Limited
<geekbarkopen.com>	Jones Paul	11/10/2024	11/10/2026	US	Hongkong Kouming International Limited
<geekbarmagyarorszag.net>	Jones Paul	11/10/2024	11/10/2026	US	Hongkong Kouming International Limited
<geekbarpulsesverige.net>	Jones Paul	11/10/2024	11/10/2026	US	Hongkong Kouming International Limited
<geekbarpulsexaustralia.com>	Jones Paul	11/10/2024	11/10/2026	US	Hongkong Kouming International Limited

The Respondent did not submit a timely Response within the required period of time.

Upon reviewing the WHOIS information for the disputed domain names, the Panel finds that all the domain names were registered by the Respondent. On this basis, no consolidation was necessary under paragraph 3(c) of the Rules.

PRELIMINARY FINDINGS - LANGUAGE OF PROCEEDING:

The Panel notes that the language of the Registration Agreements is Chinese as confirmed by the Registrar. The official Complaint was submitted in English and the Respondents did not submit an official response. Pursuant to paragraph 11 of 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 Complainant requests that English be used as the language of the proceeding, arguing that the content of the websites associated with the disputed domain names is in English and the Respondent is capable of reading English. The Panel observes that the websites corresponding to the disputed domain names are in multiple languages, including English, but none is in Chinese.

The Panel is bilingual and is fully capable of managing the proceeding in both Chinese and English. Considering the circumstances, the Panel concludes that using English as the language of the proceeding would be fair to both parties and would support the UDRP's objective of swift dispute resolution. Therefore, the Panel determines that the language requirement has been met and the language of the proceeding shall be English.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain names should 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. **geekbarkopen.com**: Transferred
2. **geekbaritalia.net**: Transferred

3. **geekbarjapan.net**: Transferred
4. **geekbarmagyarorszag.net**: Transferred
5. **geekbarpulsexaustralia.com**: Transferred
6. **geekbarpulsesverige.net**: Transferred

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2025-04-16

Publish the Decision