Decision for dispute CAC-UDRP-107375

Case number	CAC-UDRP-107375
Time of filing	2025-03-10 08:51:04
Domain names	geekbar-ru.com

Case administrator

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

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	Lin Xin ai

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 owns the following trademark registrations:

- International trademark registration number 1676896 for GEEK BAR, registration date 8 June 2022 in class 34;
- US. Registration Number 6275589 for GEEK BAR, registration date 23 February 2021 in class 34;
- EU registration number 018225081 for GEEK BAR, registration date 26 August 2020 in class 34;
- United Kingdom registration number UK00003480964 for GEEK BAR, registration date 10 August 2020; and
- China Registration Number 45380452 for GEEK BAR, registration date 7 January 2021 in class 34.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it has rights. Next the Complainant contends that the Respondent does not have any rights or legitimate interests in the disputed domain name and states:

- the Respondent has no trademark rights in the name GEEK BAR;
- the Respondent's name is Lin Xin ai, not GEEK BAR;
- the Complainant has not authorised the Respondent to use the trademark GEEK BAR or the corresponding domain name in any form; and
- the webpage pointed to by the disputed domain name is exactly the same as its official website.

The Complainant asserts that the disputed domain name has been registered and is being used in bad faith. The Complainant has prior trademark in the GEEK BAR mark, which has acquired a high level of popularity due to its extensive use. The content of the websites to which the disputed domain name points is identical to the content of the programme operated by the Complainant. If the Respondent did not know of the existence of the GEEK BAR brand, it could not have operated the website with the same content as the Complainant's official website. The Complainant submits that the Respondent's use of the disputed domain name is intended to deliberately imitate the Complainant's GEEK BAR brand for profit to intentionally attempted to attract, for commercial gain, Internet users to its web site by creating a likelihood of confusion with the Complainant's mark.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name 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 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

Generally, the language of the administrative proceeding will be the language of the registration agreement (paragraph 11, UDRP Rules). The initial registrar verification was in Chinese script and resent in English. The registrar verification confirmed that the language of the registration agreement is English. The website linked to the disputed domain name is also in English. It appears that the Respondent understands English and will not be prejudiced if the language of this administrative proceeding is in English.

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

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

Identical or confusingly similar

The Complainant owns trademark registrations for GEEK BAR that predates the registration of the disputed domain name. The disputed domain name is made up of the Complainant's trademark, a hyphen and the letters "ru" plus the top-level domain ".com".

The Complainant's trademark is clearly visible in the disputed domain and the addition of the hyphen and the letters "ru" do not avoid a finding of confusing similarity. The top-level domain ".com" is a standard registration requirement and can be ignored when determining whether the disputed domain name is confusingly similar to the Complainant's trademark.

The Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark and the requirements of paragraph 4(a)(i) of the Policy have been proved.

No rights or legitimate interest

The Complainant has submitted evidence of its rights in the trademark GEEK BAR that predate the registration of the disputed domain name. The Panel accepts that the Complainant has not authorised the Respondent to use the trademark GEEK BAR or to incorporate it in the disputed domain name.

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The burden of proof now shifts to the Respondent (see WIPO Case No. D2003-0455 Croatia Airlines d. d. v. Modern Empire Internet Ltd).

The Respondent has not filed a Response nor disputed any of the Complainant's submissions. There is nothing to indicate that the Respondent is commonly known by the disputed domain name or has any relevant prior rights. The Respondent is not authorised to use the Complainant's trademark. The Respondent's use of the disputed domain name in connection with a website that mirrors content on the Complainant's website is not a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name.

The Panel concludes that the Complainant has shown that the Respondent has no rights or legitimate interests in the disputed domain name and that the requirements of paragraph 4(a)(ii) of the Policy have been met.

Registered and is being used in bad faith

The Complainant's trademark, Geek Bar, predates the registration of the disputed domain name. The Respondent has used a privacy service to conceal his identity. The website linked to the disputed domain name has content identical to that of the Complainant's website. The Respondent has registered the disputed domain name incorporating the Complainant's trademark and has used in connection with a website that mirrors content on the Complainant's legitimate website. The most likely reason for doing so is to create a likelihood of confusion with that mark to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's mark.

The Panel concludes that the disputed domain name was registered and used in bad faith and that the requirements of paragraph 4(a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **geekbar-ru.com**: Transferred

PANELLISTS

Name	**Veronica Bailey**

DATE OF PANEL DECISION 2025-04-16

Publish the Decision