# Decision for dispute CAC-UDRP-107432

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| Case number | CAC-UDRP-107432 |
| Time of filing | 2025-03-31 10:24:43 |
| Domain names | geekbarpulsefrance.com, geekbarpulseireland.com, geekbarpulseromania.com |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | Guangdong Qisitech CO., LTD. |

## Complainant representative

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| Organization | Chofn Intellectual Property |

## Respondents

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| Name | Katie Hudson |
| Name | Owen Savage |
| Name | Maisie Spencer |

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 (<geekbarpulsefrance.com>, <geekbarpulseireland.com>, <geekbarpulseromania.com>).

IDENTIFICATION OF RIGHTS

The Complainant, Guangdong Qisitech Co., Ltd., was established in 2016 and specializes in the development, production, and sale of GEEK BAR disposable electronic cigarettes, which are distributed in Russia, the United States, the Middle East, Europe, and other regions.

To protect the GEEK BAR brand, the Complainant has proactively filed trademark applications with the trademark authorities in the countries and regions where it conducts significant business. As a result, the Complainant now holds exclusive rights to the GEEK BAR trademark in multiple jurisdictions. Specifically, the Complainant owns the following trademarks, all of which were registered well before the disputed domain names:

- Madrid Registration No. 1676896 for GEEK BAR, effective June 8, 2022, covering goods and services in International Class 34;
- U.S. Registration No. 6275589 for GEEK BAR, effective February 23, 2021, covering goods and services in International Class 34;
- EU Registration No. 018225081 for GEEK BAR, effective August 26, 2020, covering goods and services in International Class 34;

- China Registration No. 45380452 for GEEK BAR, effective January 7, 2021, covering goods and services in International Class 34.The disputed domain names were registered as follows:

FACTUAL BACKGROUND

The Complainant independently operates the GEEK BAR brand of disposable electronic cigarettes, founded in 2015. GEEK BAR products, including the Pulse Series, Geek Bar Skyview, and Geek Bar Wondar, are sold internationally and are known for technical innovations such as dual-core technology and high-capacity devices.

The Complainant employs a large R&D team and offers full OEM solutions. GEEK BAR products are sold in numerous countries, including Russia, the United States, the Middle East, and Europe, and have achieved substantial market presence, particularly in the United Kingdom and the United States. The Complainant has also engaged in extensive brand promotion through influencer marketing, participation in industry exhibitions, and has received various product awards. Search engine results and online video content further demonstrate GEEK BAR's high degree of public recognition and association with the Complainant.

The disputed domain names were registered as follows:

- <geekbarpulsefrance.com>, registered on October 11 2024;
- <geekbarpulseireland.com>, registered on October 11 2024; and
- <geekbarpulseromania.com>, registered on October 11 2024.

PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

I. Consolidation of the proceedings

The Complainant firmly believes that the three disputed domain names in this case are controlled by a single entity and respectfully requests that the Panel exercise its discretion to allow the consolidation of all three Respondents into a single complaint. The Complainant submits that consolidation is justified based on the following factors:

(i) all three disputed domain names were registered on October 11, 2024;

(ii) the disputed domain names are similarly constructed, each incorporating the Complainant’s trademark GEEK BAR along with additional terms;

(iii) the email addresses associated with the three Respondents share the same structure, namely [name followed by two <numbers]@cxtmail.com>;

(iv) all disputed domain names were registered with the same Registrar;

(v) the registration information for the disputed domain names <geekbarpulsefrance.com> and <geekbarpulseireland.com> lists the same city and country;

(vi) all websites associated with the disputed domain names relate to the Complainant’s business.

Accordingly, the Complainant submits that consolidation is appropriate and warranted under the circumstances

II. The disputed domain names are confusingly similar to the protected mark

The Complainant argues that the disputed domain names — <geekbarpulsefrance.com>, <geekbarpulseireland.com>, and <geekbarpulseromania.com> — are confusingly similar to its GEEK BAR trademark. The Complainant submits that the addition of common words such as “pulse” and geographic terms such as “France,” “Ireland,” and “Romania” does not eliminate the recognizable incorporation of the GEEK BAR trademark in each disputed domain name. Relying on established UDRP principles, the Complainant contends that the presence of the GEEK BAR mark within the disputed domain names is sufficient to establish confusing similarity under the first element of the Policy.

III. The Respondent does not have any rights or legitimate interest in the disputed domain names

The Complainant asserts that the Respondents have no rights or legitimate interests in respect of the disputed domain names. According to the Complainant, the websites associated with the disputed domain names mimic the appearance and authentication process of the Complainant’s official website, making it difficult for consumers to distinguish between the two. The Complainant contends that such imitation constitutes impersonation or implies an unauthorized sponsorship or affiliation, and does not amount to fair use.

The Complainant further states that searches of national and regional trademark databases revealed no trademark registrations for GEEK BAR in the name of any of the Respondents. The Complainant confirms that the Respondents are neither authorized distributors nor partners and have never been granted permission, directly or indirectly, to use the GEEK BAR trademark or corresponding disputed domain names.

Finally, the Complainant notes that the names of the Respondents — Katie Hudson, Owen Savage, and Maisie Spencer — do not correspond to the GEEK BAR mark, further indicating the absence of any rights or legitimate interests.

Based on the above, the Complainant submits that the Respondents have no rights or legitimate interests in respect of the disputed domain names.

### IV. The disputed domain names have been registered and are being used in bad faith

The Complainant submits that the Respondents registered and used the disputed domain names in bad faith. The Complainant asserts that the GEEK BAR trademark is distinctive, has achieved a high level of recognition through extensive use, and does not correspond to a common term in French, English, or any other language. Given the strong market presence of the GEEK BAR brand and the widespread communication power of the Internet, the Complainant contends that the Respondents were, or ought to have been, aware of the Complainant's rights in the GEEK BAR mark at the time of registration, regardless of their physical location.

The Complainant notes that the websites to which the disputed domain names resolve closely mimic the content and appearance of the Complainant's official website. This, the Complainant argues, evidences that the Respondents were aware of the Complainant's mark and intentionally sought to create a likelihood of confusion with the Complainant's brand.

The Complainant further contends that the Respondents' conduct falls within the scope of paragraph 4(b)(iv) of the Policy: by using the disputed domain names, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the websites and the products offered thereon.

Accordingly, the Complainant submits that the disputed domain names were registered and are being used in bad faith.

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

## RESPONDENT

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).

## NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondents 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

As stated above, the Complainant requests that the Panel exercise its discretion and allow the consolidation of the complaint against all three Respondents. The Respondents identified in this proceeding are:

- <geekbarpulsefrance.com> – Katie Hudson;

- <geekbarpulseireland.com> – Owen Savage; and

- <geekbarpulseromania.com> – Maisie Spencer.

The Complainant submits that there are significant commonalities between the underlying registration details disclosed by the Registrar and the websites associated with the disputed domain names and requests consolidation of multiple domain name holders into a single proceeding.

The Panel is guided by Article 3(c) of the Policy, which provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder. The Panel also refers to section 4.11.2 of the WIPO Overview 3.0, which sets out that consolidation is appropriate where:

(i) the domain names or corresponding websites are subject to common control; and
(ii) consolidation would be fair and equitable to all parties, with procedural efficiency also a relevant consideration.

Applying these principles to the present case, the Panel finds that the Complainant has established that the disputed domain names are likely under common control. Pertinent factors supporting this finding include:

- all three disputed domain names were registered on the same day with the same Registrar;
- the naming pattern of the duísputed domain names is identical, consisting of the GEEK BAR mark combined with a geographic term;
- the associated websites all target the Complainant's brand and business; and
- the use of similar email address formats across Respondents.

The targeting of the Complainant's well-known trademark and the similarity of website content further support a finding of coordinated activity.

In light of these considerations, the Panel concludes that consolidating the disputes involving the three nominally distinct Respondents is procedurally efficient, fair, and consistent with the aims of the Policy.

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PRINCIPAL REASONS FOR THE DECISION

The UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN) (the "Policy") provides that complainant must prove each of the following to obtain transfer or cancellation of the domain name:

1. that respondent's domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights; and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

1) The disputed domain names are confusingly similar to a trademark in which the Complainant has rights

The Complainant has, to the satisfaction of the Panel, demonstrated that it holds valid trademark rights in the term "GEEK BAR." The Panel finds that the disputed domain names are confusingly similar to the Complainant's GEEK BAR mark. Each of the disputed domain names — <geekbarpulsefrance.com>, <geekbarpulseireland.com>, and <geekbarpulseromania.com> — incorporates the Complainant's GEEK

Previous UDRP panels have consistently found that the incorporation of a complainant's registered trademark in its entirety within a domain name is sufficient to establish identity or confusing similarity for the purposes of the Policy (see, e.g., Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903).

The Panel finds that the disputed domain names display a clear visual, phonetic, and conceptual resemblance to the Complainant's GEEK BAR mark, and are likely to confuse Internet users into believing that the disputed domain names are associated with the Complainant or its trademarked products.

In these circumstances, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's GEEK BAR trademark.

2) The Respondent lacks rights or legitimate interests in the disputed domain names

Under the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests. Once such a prima facie case is made, the burden of production shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy (see WIPO Overview 2.0, paragraph 2.1).

The Panel concludes that the Respondents do not have any legal rights to use the GEEK BAR mark as part of their domain names. The Respondents' use of the disputed domain names creates a misleading impression of association with the Complainant, despite there being no relationship or authorization between the Complainant and the Respondents. Furthermore, the imitation of the Complainant's official website and the offering of products allegedly connected to the Complainant do not confer any rights or legitimate interests within the meaning of the Policy.

By copying the content of the Complainant's website, the Respondents have intentionally attempted to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's GEEK BAR trademark as to the source, sponsorship, affiliation, or endorsement of the websites. Such conduct is contrary to a bona fide offering of goods or services and does not constitute a legitimate non-commercial or fair use of the disputed domain names.

Moreover, the Respondents failed to submit a Response and therefore did not provide any evidence of rights or legitimate interests. Accordingly, the Panel finds that the Complainant has satisfied its burden under paragraph 4(a)(ii) of the Policy.

3) The disputed domain names have been registered and are being used in bad faith

The Panel agrees with the Complainant that its trademark GEEK BAR is distinctive and well-known. The registration of the Complainant's GEEK BAR trademark predates the registration of the disputed domain names. Given the distinctiveness and widespread reputation of the Complainant's trademark, it is reasonable to infer that the Respondents registered the disputed domain names with full knowledge of the Complainant's rights.

The Complainant has argued, without contradiction, that the websites associated with the disputed domain names were set up to mirror the Complainant's genuine website and that they replicate content from the Complainant's official website. The disputed domain names and corresponding websites prominently feature the Complainant's GEEK BAR mark and adopt a structure and design highly similar to that of the Complainant's official site. Under these circumstances, the Panel finds that the Respondents could only have registered the disputed domain names with full awareness of the Complainant's trademark.

The Panel finds that the Respondents' choice of domain names, all of which incorporate the Complainant's GEEK BAR trademark, and their use of the domain names in relation to websites imitating the Complainant's genuine site, reflect bad faith. The Respondents' conduct shows an intention to attract, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the websites or the products offered thereon. The evidence persuades the Panel that the Respondents registered and are using the disputed domain names for this purpose.

Accordingly, the Panel concludes that the Complainant has satisfied the third element of the Policy, namely that the disputed domain names were registered and are being 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. **geekbarpulsefrance.com**: Transferred
2. **geekbarpulseireland.com**: Transferred
3. **geekbarpulseromania.com**: Transferred

## PANELLISTS

| Name | **Barbora Donathová** |
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DATE OF PANEL DECISION 2025-04-29