Decision for dispute CAC-UDRP-107385

Case number	CAC-UDRP-107385
Time of filing	2025-03-17 09:53:39
Domain names	GEEKBARC.COM

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	Xiao Chun Liu

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 the owner of the following trademark registrations:-

* International trademark registration No. 1676896 for GEEK BAR, registered on June 8, 2022;

* United States trademark registration No. 6275589 for GEEK BAR, registered on February 23, 2021;

* European Union trademark registration No. 018225081 for GEEK BAR, registered on August 26, 2020;

* China trademark registration No. 45380452 for GEEK BAR, registered on January 7, 2021.

The Complainant’s official domain name is <geekbar.com>, registered on 30 September 2006.

The disputed domain name was registered on August 25, 2024, and at the time of filing the Complaint, resolved to an inactive webpage.

FACTUAL BACKGROUND

The Complainant was established in 2015 and states that its GEEK BAR brand is one of the most popular lines of disposable vapes available on the market. The products offered under the GEEK BAR mark include Complainant's Pulse series, Geek Bar Skyview, and Geek Bar Wondar. The Complainant's products use dual-core technology, and other technologies resulting in larger capacities, long lasting use, and more durable products, which makes its products highly competitive in the market.

The Complainant states it employs over 100 senior engineers in its R&D department, and has spent £120 million on a new production facility in Guangdong, China, which will be expected to be completed within two years' time.

The Complainant has a strong online presence, and states that it uses a large number of influencers.

PARTIES CONTENTIONS

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

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Rules"), paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English and the Complainant requested that the language of the proceeding and the decision be English. The Panel decided that the language of the proceeding be English for several reasons, including the fact that:-

(i) The disputed domain name does not consist of words in the Chinese language.

(ii) The disputed domain name contains the English terms "geek" and "bar".

(iii) All the evidence filed in this case was filed in the English language.

(iv) The Registration Agreement does not indicate which language shall be used as between the parties in case of a dispute.

(iv) The disputed domain name resolves to a webpage showing a single word in the English language.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

Other 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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

The Complainant has provided evidence that it owns registered trademark rights in the GEEK BAR mark.

In this case, the disputed domain name consists of the Complainant's GEEK BAR trademark in its entirety with the addition of the letter "c". The addition of the letter "c" is insufficient to distinguishing the disputed domain name from the Complainant's trademark. Thus, the disputed domain name, which in this case incorporates the Complainant's mark in its entirety is confusingly similar to the Complainant's mark.

As for the generic Top-Level Domain ("gTLD") ".com", it is well established that the gTLD is not relevant to the issue of identity or confusing similarity between the Complainant's trademark and the domain name in dispute (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has been the registered owner of the GEEK BAR mark long before the date that the disputed domain name was registered and that it has not authorised the Respondent to use the Complainant's trademark. There is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent did not submit a Response and did not provide any explanation for its choice of the disputed domain name nor evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant's trademark was registered years before the registration of the disputed domain name. The disputed domain name incorporates the entirety of the Complainant's GEEK BAR mark with the addition of the letter "c". The disputed domain name also resolves to an inactive webpage and given that that Respondent fails to provide a response would require an analysis of passive use. It has long been established that the lack of use of a disputed domain name will not prevent the finding of bad faith use and registration. The common test panellists use in cases of passive holding is that of totality of circumstances. Some factors have received more consideration than others in applying the passive holding doctrine, including: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

Given the particular circumstances of this case, the distinctive nature of the Complainant's trademark, the degree of the Complainant's reputation, and the implausibility of any good faith use to which the domain name may be put, the Panel is persuaded by the evidence that the Respondent registered and was using the disputed domain name in bad faith with the aim of specifically targeting the Complainant.

The Panel notes that the Respondent failed to submit a response and provided no explanation nor evidence to rebut the Complainant's case. This is another indication of bad faith.

Accordingly, having regard to the circumstances of this case, the Panel finds that the Complainant has met its burden under 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. **GEEKBARC.COM**: Transferred

PANELLISTS

Name	**Jonathan Agmon**

DATE OF PANEL DECISION 2025-05-01

Publish the Decision