Decision for dispute CAC-UDRP-107506

Case number	CAC-UDRP-107506
Time of filing	2025-05-12 09:13:41
Domain names	geekbar.org

Case administrator

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

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	Hamad Zafar

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 trademarks consisting of the term GEEK BAR in numerous countries. Specifically, the Complainant is the owner of the GEEK BAR trademark under:

- **Madrid Registration Number 1676896**, registered on June 8, 2022;
- **U.S. Registration Number 6275589**, registered on February 23, 2021;
- **EU Registration Number 018225081**, registered on August 26, 2020.

FACTUAL BACKGROUND

The disputed domain name <geekbar.org> was created on October 31, 2022 and since at least May 6, 2025, was registered to the Respondent, Hamad Zafar, an individual located in the United States.

The disputed domain name operated a website which features and offers for sale a wide range of disposable vape products branded as "Geek Bar."

According to the information on the case file, the Registrar confirmed that the Respondent is the current registrant of the disputed domain name and that the language of the registration agreement is English.

On May 6, 2025, Complainant filed the instant Complaint.

The facts asserted by the Complainant are not contested by the Respondent because no Response was filed.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant asserts that it is the independent operator of the GEEK BAR brand, founded in 2015, and that the brand has become one of the most prominent names in the global disposable e-cigarette market. GEEK BAR offers a wide range of products featuring advanced dual-core technology and high-capacity designs. The Complainant claims these innovations have contributed to strong consumer demand and market competitiveness.

The Complainant contends that the brand has global presence, is widely recognized, having received industry awards and participated in major exhibitions. It also maintains a strong digital presence through search engine visibility, YouTube reviews, and partnerships with influencers. A search for “GEEK BAR” on Google predominantly returns results linked to the Complainant, demonstrating public association with the mark.

The Complainant states that the disputed domain name is identical to its trademark GEEK BAR disregarding the generic top-level domain “.org.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name because: the Respondent is not commonly known by the disputed domain name; the Respondent has no affiliation, authorization, license or similar with the Complainant; the disputed domain name allegedly impersonates or suggests affiliation with the Complainant without disclosing any relationship, which, according to the Complainant, constitutes misleading use and does not constitute fair use; the Complainant has never directly or indirectly authorized the Respondent to use the trademark GEEK BAR and the corresponding domain names in any form; the content of the associated website is described as extremely relevant to the Complainant’s business, which further contributes to potential consumer confusion.

Regarding bad faith registration and use, the Complainant claims that in light of the Complainant’s distinctive trademarks and significant reputation, combined with the use of a misspelling of the trademark and the fact that the disputed domain name redirects to the Complainant’s website, it can be reasonably inferred that the Respondent registered the disputed domain name with the Complainant in mind. The registration was therefore intended to take advantage of the Complainant’s reputation with the aim to create a likelihood of confusion with the Complainant.

The Complainant contends that the Respondent was aware of the existence of the GEEK BAR trademark at the time of registration of the disputed domain name. In light of the trademark's surge in global popularity in recent years and the powerful communication reach of the Internet, the Complainant submits that the Respondent’s location is irrelevant to this claim. The Complainant emphasizes that GEEK BAR has acquired a high level of popularity due to its extensive use, does not correspond to any word in common use in French, English, or any other language, and that the mark has acquired a high degree of distinctiveness through extensive use.

The Complainant further asserts that the content of the website is identical to that of the Complainant’s own programme, demonstrating that the Respondent had knowledge of the Complainant’s brand and is intentionally using the disputed domain name in a manner that mimics the Complainant’s official website. The Complainant therefore concludes that the Respondent registered and is using the domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s trademark.

The Complainant argues that this conduct falls squarely within paragraph 4(b)(iv) of the Policy, namely, using the domain name to intentionally attract users by creating confusion as to the source, sponsorship, affiliation, or endorsement of the website. In conjunction with the bad faith use described above, the Complainant submits that the Respondent also acted in bad faith at the time of registration. The Complainant thus contends that the requirements of the Policy have been met and that the disputed domain name 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 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

THREE ELEMENTS COMPLAINANT MUST ESTABLISH UNDER THE POLICY

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that a disputed domain name should be transferred or cancelled:

(i) the disputed 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 in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and are being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS

The first element of the Policy requires the Complainant to have rights to a trademark or service mark which is identical or confusingly similar to the disputed domain name.

Sufficient evidence has been submitted by the Complainant of its registered trademark rights in the term GEEK BAR in numerous countries. Such trademark rights were created and registered prior to May 6, 2025, the creation date of the <geekbar.org> disputed domain name. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for the purposes of standing to file a UDRP case. Accordingly, the Panel finds that the Complainant possesses rights in its GEEK BAR trademarks such that it has standing under the Policy.

The top-level domain ("TLD") may usually be ignored for the purpose of determination of identity or confusing similarity between a domain name and the Complainant's trademark as it is technical requirement of registration (see Paragraph 1.11.1 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0")). Hence the TLD ".org" may be disregarded for the purpose of determining this first element, and only the "GEEKBAR" portion included in the disputed domain name shall be considered.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the disputed domain name is identical to the Complainant's GEEK BAR marks.

Accordingly, the Complainant has satisfied the first element of the Policy.

(B) RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The second element of the Policy requires that the Complainant establish that the Respondent has no rights or legitimate interests in the disputed domain name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it; see, s2.1 WIPO Overview 3.0 ("...panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or

legitimate interests in the domain name."). If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

However, the burden of proof still remains with the Complainant to make out its prima facie case on a balance of probabilities. Moreover, the wording of paragraph 4(a)(ii) of the Policy requires a complainant to establish that the respondent has no rights or legitimate interests in the domain name in issue. Simply establishing that the complainant also has rights in the domain name in issue is insufficient.

Paragraph 4(a)(ii) of the Policy contemplates an examination of the available facts to determine whether a respondent has rights or legitimate interest in the domain name. Paragraph 4(c) sets out a list of circumstances through which a respondent may demonstrate that it does have such rights or interests.

The first circumstance, under Paragraph 4(c)(i), is where "before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services". Here, according to screenshot evidence submitted by the Complainant, the disputed domain name resolves to a website featuring content closely related to the Complainant's business, specifically references to disposable vape products associated with the GEEK BAR brand. Although the website does not directly mimic the Complainant's official website, it prominently uses the GEEK BAR mark in a manner likely to mislead consumers into believing that the site is operated, sponsored, or otherwise endorsed by the Complainant. Accordingly, the Panel finds no evidence of a bona fide offering or goods or services or demonstrable preparations to use per Policy 4(c)(i) and Respondent does not have rights or legitimate interests with respect to the disputed domain names thereunder.

The second circumstance, under Paragraph 4(c)(ii), concerns cases where the respondent is commonly known by the domain name. Here, according to the registrar verification, the Respondent name is ''Hamad Zafar" and has no similarity or connection to the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name. As such, this second circumstance of legitimate rights or interests under the Policy is not applicable to the Respondent.

Regarding the third circumstance, under Paragraph 4(c)(iii) of the Policy, there is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's GEEK BAR trademark. According to the evidence submitted, the disputed domain name directs to a website where the Complainant's GEEK BAR trademarks are displayed and offered for sale. Additionally, none of the accepted categories of fair use - such as news reporting, commentary, political speech, education etc. – are found to apply and the Panel concludes there is no legitimate non-commercial or fair use on the part of the Respondent.

The Panel notes that the disputed domain name is identical to the Complainant's GEEK BAR trademark, which it considers to be an invented term with no meaning in commerce related to vaping/ e-cigarettes apart from identifying the Complainant 's product. Given this, the domain name presents a high risk of implied affiliation with the Complainant when used in connection with vaping/ e-cigarette products, see section 2.5.1 WIPO Overview 3.0 ("...domain names identical to a complainant's trademark carry a high risk of implied affiliation"). Accordingly, the Panel finds the domain name to be inherently misleading in this context.

Moreover, the present case fails the "Oki Data test" for establishing legitimate interest as set out in Oki Data Americas, Inc. v. ASD, Inc WIPO Case No. D2001-0903. When satisfied, the Oki Data criteria may allow a respondent—such as a reseller or independent service provider - to establish rights or legitimate interests in a domain name incorporating a trademark owner's mark. However, meeting this standard is challenging where the domain name itself is inherently misleading.

In this instance, the Panel did not find any evidence that the Respondent's website included a clear and sufficiently prominent disclaimer that accurately discloses the nature of the relationship (or lack thereof) between the website operator and the trademark owner. The "About Us" section of the website included the following text: "Introducing Geek Bar - Your Gateway to a Tobacco-Free Future. Geek Bar is more than just a vaping product; it's a commitment to empowering individuals to embrace a tobacco-free lifestyle. Our mission is to positively impact people and the planet by providing high-quality. innovative, disposable vape solutions designed to help users move away from traditional smoking habits...".

The content of the Respondent's website expressly and strongly suggests an affiliation with the Complainant, including the prominent use of the Complainant's trademarks and product imagery. Due to this factor, and the lack of any disclaimer or explanation about the lack of relationship between the Respondent and the Complainant, the Respondent's actions do not meet the criteria to establish rights or legitimate interests as a reseller.

Lastly, the Complaint states that the Respondent is not licensed, nor has any relationship with or authority to represent the Complainant in any way.

Accordingly, the Complainant has sufficiently made out its prima-facie case on the second element of the Policy. Thus, the burden of proof is shifted to the Respondent to rebut the Complainant's case. Here, because the Respondent has not participated in these proceedings, there is no such rebuttal to consider, and the Complainant prevails.

The Panel therefore concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME

The third element requires Complainant to show that the disputed domain name has been registered and used in bad faith under

paragraph 4(a)(iii) of the Policy. Further, Paragraph 4(b) of the Policy sets out four circumstances, in particular but without limitation, any one of which may be evidence of the registration and use of a domain name in bad faith. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

In accordance with its powers under Rule 10(a) of the UDRP Rules, the Panel has undertaken limited factual research into matters of public record to help assess the case merits. To this end, the Panel accessed the website associated with the disputed domain name in order to better understand its current use. At the time of preparing this Decision, the disputed domain name resolves to a landing page prominently displaying the message: "WE'RE MOVING! Future orders? Head over to Bettyvape.com Use Code: GEEK2BETTY10 You can get $10 off your next order. Explore Bettyvape.com." This suggests that the Respondent intends to cease using the disputed domain name for the prior purpose and now appears to be in the process of winding down its use.

The Respondent's prior and current use of the disputed domain name makes it evident that the domain was registered with knowledge of the Complainant's GEEK BAR trademarks and with the intention of referencing those marks to resell the Complainant's products. However, in both registering the disputed domain name and operating the corresponding website, the Respondent failed to clearly disclose that it has no commercial affiliation with, nor is authorized by, the Complainant. On the contrary, the Respondent's conduct improperly implies such affiliation or authorization.

This conduct constitutes an attempt to unfairly benefit from the Complainant's GEEK BAR trademarks and amounts to bad faith under the Policy. Specifically, the Panel finds that the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainants' trademark as to the source, sponsorship, affiliation, or endorsement of the website or the products offered on it (see paragraph 4(b)(iv) of the Policy).

The Respondent's subsequent modifications to the website content, including the addition of the landing page urging visitors to go to the Bettyvape.com website, do not alter the Panel's conclusion. The website has been used in a manner that strongly suggests an affiliation with the Complainant. The use of the disputed domain name at the time of writing this decision still attempts to attract users for commercial gain by creating a likelihood of confusion with the Complainant's trademark. Further, as previously noted, the Panel considers the disputed domain name itself to be inherently misleading in the context of vaping/ e-cigarette products.

In these circumstances the Panel finds the disputed domain has been registered and is 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. **geekbar.org**: Transferred

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2025-06-09

Publish the Decision