Decision for dispute CAC-UDRP-107555

Case number	CAC-UDRP-107555
Time of filing	2025-05-13 09:22:51
Domain names	alibabany.net

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Alibaba Group Holding Limited

Complainant representative

Organization	Convey srl

Respondent

Name	lixx xx

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 and its group companies are the proprietors of a substantial number of earlier trademark registrations, including, but not limited to the following:

- USPTO Trademark no. 2579498 “ALIBABA” – Nice Cl. 35, 38, registered on June 11, 2002;

- EUIPO Trademark no. 004534319 “ALIBABA” – Nice Cl. 9, 35, 38, 42, registered on August 02, 2006;

- WIPO Trademark no. 1800560 “ALIBABA” extended in Afghanistan – Nice Cl. 9, 35, 38, 41, 42, registered on March 01, 2024;

- Chinese Trademark no. 67863513 “ALIBABA” – Nice Cl. 35, registered on April 07, 2024;

- Chinese Trademark no. 12127699 – “ALIBABA” – Nice Cl. 35, registered on July 27, 2014;

- Chinese Trademark no. 3068447 – “ALIBABA” – Nice Cl. 35, registered on October 27, 2010.

In addition to numerous other domain names, the Complainant is the registrant of the domain name <alibaba.com> which has been registered since 1999.

FACTUAL BACKGROUND

The Complainant is a Chinese multinational company specialized in e-commerce, retail, Internet, and technology. Founded on June 28, 1999 in Hangzhou, Zhejiang, the company provides consumer-to-consumer (C2C), business-to-consumer (B2C), and business-to-business (B2B) sales services via Chinese and global marketplaces, as well as local consumer, digital media and entertainment, logistics and cloud computing services. It owns and operates a diverse portfolio of companies around the world in numerous business sectors, such as the following ones: Alibaba (China Co.) Ltd., Alibaba.com Corporation and Alibaba Innovation Private Limited.

Alibaba is one of the world's largest retailers and e-commerce companies. In 2020, it was also rated as the fifth-largest artificial intelligence company. It is also one of the biggest venture capital firms and investment corporations in the world, as well as the second largest financial services group behind Visa via its fintech arm Ant Group. The company hosts the largest B2B (Alibaba.com), C2C (Taobao), and B2C (Tmall) marketplaces in the world. It has been expanding into the media industry, with revenues rising by triple percentage points year after year. It also set the record on the 2018 edition of China's Singles' Day, the world's biggest online and offline shopping day.

The Complainant is active in over 190 countries. For its business, the Complainant registered in year 1999 the domain name <alibaba.com>. This domain name is resolved to the website and platform of the Complainant. In addition to the main domain name <Alibaba.com>, the Complainant owns an exhaustive domain name portfolio, either consisting of or containing the term “ALIBABA”, with hundreds of domain name registrations associated with the main gTLDs, new gTLDs and ccTLDs.

The Complainant has been extensively using the “ALIBABA” denomination on all the existing internet environments including but not limited to the company’s official website https://www.alibaba.com/ and its official accounts on the major social networks such as Facebook, TikTok, LinkedIn, Instagram, YouTube.

The disputed domain name was registered by the Respondent on October 1, 2024, without authorization of the Complainant, and redirects internet users to a fraudulent website which displays the trademark “ALIBABA”, the device mark and the trademarks – this latter is the transliteration of the ALI word mark in Chinese characters.

The Complainant’s trademarks are advertised in an unduly prominent manner as the website logo, as well as in the company profile and in the description The clear intent of the Respondent is to impersonate the Complainant, by pretending to be a partner of the Complainant, and to defraud unaware internet users, by requesting payment in exchange of allegedly inexistent services advertised by impersonating the Complainant.

PARTIES CONTENTIONS

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

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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

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 the 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 is being used in bad faith.

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

EARLIER RIGHTS

The Complainant has established rights in the name ALIBABA. The disputed domain name <alibabany.net > is found to be confusingly similar to the Complainant's trademark and company name. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

1. disregarding the top-level suffix in the domain names (i.e. ".net") in the comparison; and
2. finding that the simple combination of a trademark (i.e. ALIBABA) and a generic or geographic term or abbreviation would not be considered sufficient to distinguish a domain name from a trademark. In this case, the geographic abbreviation "NY" for "New York" is not sufficient to find that the names are not confusingly similar.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name ALIBABA and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have never had any previous relationship, nor has the Complainant ever granted the Respondent with any rights to use the ALIBABA trademark in any form, including in the disputed domain name. There is no evidence before the Panel indicating that the Respondent is commonly known by the disputed domain name. The disputed domain name redirects to a site purporting to be operated by or at least closely related to the Complainant. There is no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, or that would demonstrate a legitimate interest in the disputed domain name, so that there is nothing that could be interpreted as rights or legitimate interests of the Respondent. Since the Respondent has not responded, the Respondent has also failed to put forward any arguments at all which could change this finding.

In fact, the Respondent was given an opportunity to present arguments relating to rights or legitimate interests in the disputed domain name on two occasions, both in the notification sent by the Complainant and with the service of the Complaint, but has failed to do so in both cases. This behavior, coupled with the absence of use of the disputed domain name in connection with a bona fide offering of goods and services, demonstrates the Respondent´s absence of rights or legitimate interests in respect of the disputed domain name.

The Panel therefore concludes that the Respondent did not refute the Complainant's prima facie case and has not established any rights or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is being used by the Respondent in bad faith.

The name ALIBABA is distinctive and well known in numerous countries around the world for the services offered by the Complainant.

The Respondent has copied the Complainant's trademark "ALIBABA" in the disputed domain name and has combined it with the device mark on the website to which the disputed domain name redirects Internet users. Therefore, this registration can only be viewed as an attempt to exploit the goodwill vested in the trademark by attracting Internet users and confusing them to the extent that they would believe that a website connected to the disputed domain name offers the services of an entity that is affiliated with the Complainant.

No other reason for registering a combination of the trademark of the Complainant together with generic or geographic terms as the disputed domain name appears feasible. Even the most basic Google search in respect of the letter combination ALIBABA would have yielded obvious references to the Complainant.

Additionally, the Respondent has given information in the registration details which can only be assumed to be false. These details are First name: "lixx", last name: "xx", residing at "asdasda sdasdas" in the city of "fdsfsd, sdfsdf" in Afghanistan. Neither does such a location exist, nor is it likely that the name is correct. Such attempts to hide the address and contact details of the registrant behind false information must also be seen as a strong indication of registration in bad faith.

Consequently, there appears to the Panel to be no possible good faith reason for the Respondent to have selected the disputed domain name, and there are demonstrable indications of bad faith present in this case.

The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirements 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. **alibabany.net**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2025-06-16

Publish the Decision