Decision for dispute CAC-UDRP-107941

Case number	CAC-UDRP-107941
Time of filing	2025-09-16 10:20:39
Domain names	assos-eustore.shop, assos-bikestore.shop, assos-stores.com, assos-bikeonline.shop, assosbike.shop, store-assos.shop, eu-assosstore.shop, assosstores.shop, assossale.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Assos of Switzerland GmbH

Complainant representative

Organization	Convey srl

Respondents

Name	zeng faqing
Name	su ke

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.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of various trademark registrations for ASSOS and ASSOS-formative marks, including the following:

- International Trademark Registration No. 1435146, registered on July 10, 2018;
- International Trademark Registration No. 872524, registered on November 14, 2005;
- International Trademark Registration No. 771327, registered on November 23, 2001; and
- International Trademark Registration No. 1058579, registered on July 21, 2010.

These International registrations designations include China where the Respondents are located.

FACTUAL BACKGROUND

The Complainant is one of the most famous providers of cycling apparel. The business was founded in 1976 by Toni Maier. Maier

developed the first Lycra cycling shorts and anatomical skinsuit, offering a faster, lighter, and more comfortable alternative to traditional wool shorts. Within a few years ASSOS became the preferred brand among professional cyclists, and in world championships.

The Complainant's ASSOS brand is extensively used and promoted on the Internet including on the Complainant's official website at https://www.assos.com/it_en/assos-dna/. The Complainant has a substantial social media presence on major social networks such as Instagram, Facebook, LinkedIn, YouTube, X, and TikTok. The Complainant also operates a dedicated Chinese online store and a Chinese-language Douyin social media account. The Complainant contends that its ASSOS mark is recognised in China's growing community of performance-oriented cyclists. The Complainant operates an official outlet site in China under the domain name <assosoutlet.com.cn>, offering previous season's styles.

The Respondents registered the disputed domain names between July and September 2025. The respective registration dates of the disputed domain names are as follows:

- <assos-eustore.shop> - August 12, 2025;

- <assos-bikestore.shop> - August 7, 2025;

- <assos-stores.com> - August 3, 2025;

- <assos-bikeonline.shop> - August 11, 2025;

- <assosbike.shop> - August 31, 2025;

- <store-assos.shop> - September 2, 2025;

- <eu-assosstore.shop> - September 2, 2025;

- <assosstores.shop> - August 5, 2025; and

- <assossale.com> - July 9, 2025.

At the time of filing the Complaint, the disputed domain names resolved to webpages which shared the same layouts and where counterfeit ASSOS products appeared to be offered for sale. Cease and desist letters were issued to the Respondents on August 25, 2025, via the online form on the website of the Registrar. No response from the Respondents was received.

PARTIES CONTENTIONS

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

A. Consolidation

The Complainant requested consolidation of the disputed domain names and the named Respondents to be consolidated in a single UDRP proceeding, the reason being that the following circumstances show that the disputed domain names are under the effective control of a single individual or entity, and/or that they are a group of individuals acting in concert:

- The disputed domain names were registered with the same Registrar;
- The disputed domain names all resolved to websites with similar layouts;
- The same hosting provider applies to the disputed domain names; and
- The Respondents are from the same city in China.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") states as follows:

> "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario.
>
> Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants' identity(ies) …, (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue … ."

The disputed domain names in this case all share similar naming patterns, i.e. the mark ASSOS in combination with descriptive suffixes or prefixes, which relate to the nature of the business (bikes) or the target consumer market (EU), and the generic Top-Level Domains ("gTLD") ".shop" or ".com". The other significant indicator of common control is the identical/closely similar layout of the websites to which the disputed domain names resolved, and the other points made by the Complainant.

The Panel considers that a consolidation is fair and equitable in this case and procedural efficiency would be achieved. The Respondents have not indicated that they would suffer any prejudice from consolidation, nor contested the request for consolidation. No potential prejudice is apparent to the Panel.

B. Language of the Proceeding

The language of the Registration Agreements for the disputed domain names 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. The Complainant requested that the language of the proceedings be English for these reasons:

- The disputed domain names all contain Latin characters, including words such as "store", "sale", and "bike";
- English is the primary language for business and international relations; and
- Requiring a translation of the Complaint into Chinese would cause additional expense and delay.

The Respondent did not make any 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 language/script of the domain name particularly where the same as that of the complainant's mark, potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, and evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (see WIPO Overview 3.0, section 4.5.1).

Having taken into account the circumstances of this case including the series and composition of the disputed domain names which all contain additional English terms - whether they be "sale", "eustore", "bikestore", "stores", "bikeonline", "bike", or "store-" – and the gTLDs are ".shop" and ".com", the Panel determines that the language of the proceeding shall be English. The Panel does not find any reason which justifies delaying the proceeding and for the Complainant to incur additional expense in having the Complaint translated.

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.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has provided evidence that it owns registered trademark rights in the ASSOS trade mark. The Panel agrees in this regard that ASSOS is a well-known trademark notably in the field of cycling apparel.

The disputed domain names all contain the entirety of the Complainant's ASSOS trademark which is recognizable therein. The additional prefixes "eu-" and "store" as well as the suffixes "sale", "eustore", "bikestore", "stores", "bikeonline" and "bike" are descriptive in nature. "EU" is a well-known abbreviation for the European Union. The addition of the said descriptive terms does not prevent a finding of confusing similarity but in fact adds to the confusion with the Complainant's trademark since they correspond to the industry and business of the Complainant. See sections 1.7 and 1.8 of WIPO Overview 3.0.

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

B. Rights or Legitimate Interests

Once a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name.

In the present case, the Complainant has demonstrated a prima facie case that the Respondents lack rights or legitimate interests in respect of the disputed domain names. The Respondents are not licensees of the Complainant or in any way authorized to use the Complainant's ASSOS trade mark. The Respondents are not authorized resellers of the Complainant. Instead, the Respondents appear to be offering counterfeit ASSOS products for sale on their websites and passing their websites off as official websites of the Complainant.

The Respondents did not submit a formal Response and did not respond to the Complainant's cease and desist letters. Accordingly, the Panel agrees that the offer for sale of what appear to be counterfeit ASSOS products does not support a finding of rights or legitimate interests.

Accordingly, the Panel finds that the Respondents have no rights or legitimate interests in respect of the disputed domain names.

C. Registered and Used in Bad Faith

The Complainant must also show that the Respondent registered and is using the disputed domain names in bad faith (see Policy, paragraph 4(a)(iii)).

The ASSOS mark is a distinctive and well-known trademark, having been registered and used for many years, with an extensive global reputation. The trademark is exclusively associated with the Complainant and it would be hard to conceive of any good faith registration and use of the disputed domain names which incorporates the ASSOS trademark.

It is evident that the Respondents knew of the Complainant and its trademark and reputation in cycling apparel, by the composition of the disputed domain names, all of which reproduce the well-known ASSOS trademark in its entirety, including the Complainant's distinctive logo trade mark, and imitate the Complainant's official website. The Panel is persuaded that the Respondents' sole purpose of registering the disputed domain names was to capitalize on the reputation of the Complainant's ASSOS marks by diverting Internet users seeking products under the ASSOS mark to their own commercial websites. The Panel's view is consistent with the well-accepted principle adopted by UDRP panelists, namely that the mere registration of a domain name that is identical or confusingly similar (particular domain names incorporating the mark plus a descriptive term) to a widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of WIPO Overview 3.0.

The Panel therefore concludes that the disputed domain names were registered and 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. **assos-eustore.shop**: Transferred
2. **assos-bikestore.shop**: Transferred
3. **assos-stores.com**: Transferred
4. **assos-bikeonline.shop**: Transferred
5. **assosbike.shop**: Transferred
6. **store-assos.shop**: Transferred

7. **eu-assosstore.shop**: Transferred
8. **assosstores.shop**: Transferred
9. **assossale.com**: Transferred

PANELLISTS

Name	**Francine Tan**

DATE OF PANEL DECISION 2025-10-17

Publish the Decision