Decision for dispute CAC-UDRP-108141

Case number	CAC-UDRP-108141
Time of filing	2025-11-12 07:02:12
Domain names	qwen3.org

Case administrator

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

Complainant

Organization	Alibaba Innovation Private Limited

Complainant representative

Organization	Convey srl

Respondent

Name	Ihor Poloz

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 holds multiple trademark registrations that include or consist of the term “QWEN” across various jurisdictions, including Hong Kong, the United Kingdom, the United Arab Emirates, Singapore, the Philippines, Indonesia, Saudi Arabia and the European Union. Additionally, several applications are currently pending in other countries and regions.

These registrations cover a range of goods and services, notably under Nice Classes 9 and 42.

Hong Kong TM No. 306741423 – QWEN – Nice Cl. 9, 42, registered on 2024, November 27;
United Kingdom TM No. UK00004131074 – QWEN – Nice Cl. 9, 42, registered on 2025, February;
EU TM No. 019113462 – QWEN – Nice Cl. 9, 42, registered on 2025, August 2 (Annex 3.3);
Philippines TM No. PH4202400532848 – QWEN – Nice Cl. 9, 42, registered on 2025, January 18;
Malaysian TM No. TM2024038102 - QWEN – Nice Cl. 9, 42, registered on 2024, December 5;
Singaporean TM No. 40202428254S - QWEN – Nice Cl. 9, 42, registered on 2025, May 15;
Singaporean TM No. 40202407909R - TONGYI QWEN – Nice Cl. 9, 42, registered on 2024, September 20;
Indonesia No. DID2024129082 – QWEN – Nice Cl. 9, 42, registered on 2025, June 10;
United Arab Emirates TM No. 422747 - TONGYI QWEN - Nice Cl. 9, registered on 2024, December 23;

FACTUAL BACKGROUND

The Complainant Alibaba Innovation Private Limited is a company belonging to the Alibaba Group, a leading Chinese multinational conglomerate founded on June 28, 1999, in Hangzhou, Zhejiang. The Group operates globally across a wide range of sectors including e-commerce, retail, Internet, and technology. It offers consumer-to-consumer (C2C), business-to-consumer (B2C), and business-to-business (B2B) sales services through both Chinese and international marketplaces. In addition, the Group provides services in digital media and entertainment, logistics, and cloud computing. Alibaba Innovation Private Limited is part of this global ecosystem, which also includes entities such as Alibaba
(China) Co., Ltd. and Alibaba.com Corporation.

Complainant further states that it is one of the world's largest and most influential companies in the fields of retail and e-commerce and is active in over 190 countries. In addition to its leadership in online commerce, the company was ranked in 2020 as the fifth-largest artificial intelligence enterprise globally. Through its fintech subsidiary, Ant Group, Alibaba also operates as the world's second-largest financial services provider after Visa. Furthermore, it is recognized as one of the most prominent venture capital and investment firms worldwide.

The Alibaba Group operates the world's largest online marketplace across all major segments: B2B (Alibaba.com), C2C (Taobao), and B2C (Tmall). The Group has also significantly expanded into the media, entertainment and artificial intelligence sectors, with revenues in these areas growing at a triple-digit rate year over year. Notably, during the 2018 edition of China's Singles' Day – the world's largest online and offline shopping event – Alibaba set a global sales record.

As part of its AI strategy, Alibaba states that it has developed QWEN, a family of cutting-edge large language models (LLMs) designed for multilingual understanding, reasoning, and enterprise applications. These models are accessible via Alibaba Cloud and form the foundation of the Group's generative AI ecosystem. The Complainant has systematically promoted its Qwen models through a series of public releases, both internationally and domestically. Between 2023 and 2025, Alibaba Cloud issued numerous official announcements – via its global press room, Alzilla, and Chinese platforms such as Baidu – highlighting the open-sourcing, technical upgrades, and enterprise adoption of Qwen models. These releases demonstrate a coordinated communication strategy aimed at establishing Qwen as a leading open source.

Moreover, leading Ukrainian technology media outlets, including ITC.UA, DEV.UA, Highload, and DOU.UA, have published articles and discussions about Qwen AI and its advanced capabilities. These publications highlight the growing interest in Qwen's open-source models and their potential applications within the Ukrainian IT ecosystem, demonstrating that the Complainant's products have achieved visibility and recognition among key industry stakeholders in Ukraine. The QWEN model has achieved top-tier recognition across several international and Chinese AI benchmarks, including OpenCompass, the Open LLM Leaderboard, Compass Arena, and Chatbot Arena. Specifically, Qwen-72B, Qwen2-72B, and Qwen2.5 consistently ranked first or among the top performers in evaluations published between 2023 and 2024, with scores demonstrating superior performance compared to other open-source models. These results have been widely documented by official sources and leading technological media outlets.

The Complainant further states that it has actively showcased its Qwen models at major industry events, including the APSARA Conference held annually in Hangzhou. The Qwen models were exhibited in the 2023, 2024, and 2025 editions of the conference, as evidenced by official event schedules and photographic documentation. These exhibitions serve as further proof of the public disclosure and promotion of the Qwen models to both domestic and international audiences.

Finally, according to the Complainant it originally launched its AI model family under the name "Tongyi Qianwen", which is the Chinese designation of the technology. In international and technical contexts, the Complainant adopted the abbreviated name "Qwen" to refer to the same suite of large language models (LLMs) and multimodal models (MLLMs). This equivalence is explicitly confirmed in official communications by Alibaba Cloud, which states that "Qwen (also known as Tongyi Qianwen)" refers to the same proprietary AI model family. Accordingly, the term "Qwen" has become the globally recognized identifier of the Complainant's technology.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it. Specifically, the Complainant states:

The Complainant states that it registered the domain name qwen.net on March 18, 2023, followed by qwen.ai on August 27, 2023 which resolves to the Complainant's official website https://qwen.ai/. Consequently, within the broader domain of multimodal AI technologies QWEN has emerged as a distinctive identifier closely associated with the Complainant's brand and product suite. The Complainant has consistently promoted the "QWEN" denomination across major online platforms, including the official website https://qwen.ai/, as well as verified accounts on leading social media and developer environments such as GitHub, Hugging Face, X, Discord, LinkedIn.

The Complainant further states that the Respondent registered <qwen3.org> on September 6, 2024, without the Complainant's authorization and redirected it to a third-party website that prompted users to click "Allow" to confirm that they were not robots, as part of a scam or fraudulent scheme. The use of this domain name in connection with such a mechanism demonstrated a clear

intent to mislead users regarding a potential affiliation with the Complainant.

According to the Complainant, this conduct is particularly egregious given that users are likely drawn by the expectation of accessing open-source AI models, making the deception more effective and harmful. The deliberate adoption of the disputed Domain Name, which fully incorporates the name of one of the Complainant's most recent and publicly launched models ("Qwen3"), confirms that the Respondent is not only aware of the Complainant's business, but is actively seeking to exploit its goodwill and reputation.

The Complainant further contends that this behavior goes well beyond mere reference: it demonstrates a clear and deliberate attempt to associate with the Complainant's brand and mislead users for illegitimate gain. In this regard, the Complainant highlights that it has been stated in various decisions that the registration of a domain name with the knowledge of the complainant's trademarks is evidence of bad faith. Further, the Respondent's registration of the disputed Domain Name occurred at a time when the Complainant's QWEN brand had already gained visibility through formal trademark filings and sustained public promotion. By early 2024, the Complainant had taken concrete steps to secure its brand identity, including multiple trademark applications for "QWEN" and "TONGYI QWEN", as well as the earlier filing and registration of "TONGYI", a mark closely tied to the QWEN project. These efforts were complemented by the Complainant's active use of domain names incorporating the "QWEN" mark and the widespread dissemination of its AI models across industry channels. The Respondent's decision to register a domain name identical to the Complainant's distinctive mark – shortly after these developments – cannot be reasonably viewed as coincidental. Instead, it reflects a calculated attempt to benefit from the Complainant's growing reputation and to mislead users by appropriating a brand that had already achieved recognition in the relevant fields internationally.

Finally, the Complainant contends that the Respondent has misused the Complainant's trademark. Its conduct demonstrates a clear intent to exploit the Complainant's reputation by redirecting users to third-party websites that employ deceptive mechanisms, thereby misleading internet users searching for the Complainant's products and services.

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

Pursuant to the Policy, paragraph 4(a), a complainant must prove each of the following to justify the transfer of a domain name:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and
(iii) the respondent has registered and is using the domain name in bad faith.

In this case, the Czech Arbitration Court has employed the required measures to achieve actual notice of the Complaint to the Respondent, and the Respondent was given a fair opportunity to present its case and defend its registration of < qwen3.org>.

By the Rules, paragraph 5(c)(i), respondent is expected to: "Respond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain name holder) to retain registration and use of the disputed domain name ..." Notwithstanding Respondent's default Complainant is not relieved from the burden of establishing its claim. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, 3.0, Sec. 4.3: "Noting the burden of proof on the complainant, a respondent's default (i.e., failure to submit a formal response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true." However, if a complainant's adduced evidence supports any element of the Policy, a respondent has an opportunity to contest the contention that its registration of the challenged domain name was unlawful.

1. The disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights; §4(a)(i)

This first limb of the Policy requires Complainant to prove that it has a trademark right and that the disputed domain name is identical or confusingly similar to that mark. The Panel finds that Complainant has demonstrated that it has a registered trademark right to the term QWEN. Having established that element of the Policy the next question is whether the disputed domain name is identical or confusingly similar to Complainant's mark. A side-by-side comparison of the domain name and the QWEN trademark demonstrates that <qwen3.org> is confusingly similar to the mark in that it corresponds entirely to the Complainant's trademark with the addition of the numeral “3”.

At the threshold, it is necessary only to consider "whether a domain name is similar enough in light of the purpose of the Policy to justify moving on to the other elements of a claim for cancellation or transfer of a domain name." The Panel in Nicole Kidman v. John Zuccarini, d/b/a Cupcake Party, D2000-1415 (WIPO January 23, 2001) notes that "numerous prior panels have held [the purposes of the Policy are satisfied] when a domain name wholly incorporates a complainant's registered mark." Similarly, Magnum Piering, Inc. v The Mudjackers and Garwood S. Wilson, Sr., D2000-1525 (WIPO January 21, 2001). Panelists generally disregard the top-level suffixes as functional necessities; thus the top-level extension is irrelevant in determining the issue under the first requirement of the Policy.

The generic Top-Level Domain “.org” in the first level portion of the disputed domain name is a standard registration requirement and should be disregarded when assessing whether a domain name is confusingly similar to the trademark in which the Complainant has rights (see Credit Mutuel Arkea v. Domain Administration, CAC Case No. 102345); also F. Hoffmann-La Roche AG v. Macalve e-dominios S.A. WIPO Case No. D2006-0451 (“It is also well established that the specific top level of a domain name such as “.com”, “.org” or “.net” does not affect the domain name for the purpose of determining whether it is identical or confusingly similar.”).

Accordingly, having demonstrated that the disputed domain name is confusingly similar to Complainant's QWEN trademark the Panel finds Complainant has satisfied Para. 4(a)(i) of the Policy.

1. Rights and legitimate interests, §4(a)(ii)

Under paragraph 4(a)(ii) of the Policy, a complainant has the burden of establishing that a respondent lacks rights or legitimate interests in respect of the disputed domain name, but this burden is light. It is sufficient in the first instance for Complainant to allege a prima facie case, and if the evidence presented is persuasive or yields a positive inference that Respondent lacks rights or legitimate interests, the burden shifts to Respondent to rebut the allegations. This concept of shifting burdens is clearly explained in Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Claim No. D2003-0455 in which the Panel held that "[s]ince it is difficult to prove a negative [. . .] especially where the Respondent, rather than complainant, would be best placed to have specific knowledge of such rights or interests—and since Paragraph 4(c) describes how a Respondent can demonstrate rights and legitimate interests, a Complainant's burden of proof on this element is light."

The Panel finds that the Complainant has presented a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once the complainant makes such a prima facie showing, "the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. Once the burden shifts, Respondent has the opportunity of demonstrating its right or legitimate interest by showing the existence of any of the following nonexclusive circumstances:

(i) before any notice to you [respondent] 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; or
(ii) you [respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
(iii) you [respondent] are making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

If a respondent proves any of these circumstances or indeed anything else that shows it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the respondent must succeed. However, if the respondent fails to come forward with evidence showing rights or legitimate interests, “the complainant will have sustained its burden under the second element of the UDRP," Malayan Banking Berhad v. Beauty, Success & Truth International, WIPO Case No. D2008-1393

(December 8, 2008). Finally, "in the absence of direct evidence [which in this case there is none], complainant and the panel must resort to reasonable inferences from whatever evidence is in the record," Euromarket Designs, Inc. v. Domain For Sale VMI, WIPO Case No. D2000-1195.

The Respondent has not appeared in this case. The Complainant avers that it has not granted any rights to Respondent to use the QWEN trademark, nor is “Ihor Poloz” (the disclosed name of Respondent) known by the name of disputed domain name. See Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group, FA1804001781783 (Forum May 11, 2018) ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group. The Panel therefore finds under Policy 4(c)(ii) that Respondent is not commonly known by the disputed domain name."). As it is evident that Kristaps Ronka is not commonly known by the disputed domain name it cannot claim any right or legitimate interests under Policy 4(c)(ii). See also Amazon Technologies, Inc. v. Suzen Khan / Nancy Jain / Andrew Stanzy, FA 1741129 (FORUM August 16, 2017) (finding that respondent had no rights or legitimate interests in the disputed domain names when the identifying information provided by WHOIS was unrelated to the domain names or respondent's use of the same). It is a well-established principle that the mere registration of a domain name does not, in itself, confer rights or legitimate interests upon the registrant.

Finally, there is no evidence of legitimate noncommercial or fair use of the domain name. Since there is no proof otherwise, the record supports the conclusion that Respondent lacks any right or legitimate interest as measured by the three circumstances of paragraph 4(c). See Deutsche Telekom AG v. Britt Cordon, D2004-0487 (WIPO September 13, 2004) (holding that "once a complainant establishes a prima facie case that none of the three circumstances establishing legitimate interests or rights applies, the burden of production on this factor shifts to the Respondent. If the respondent cannot do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP). Similarly, in Malayan Banking Berhad, supra. (holding that "[i]f the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.").

Accordingly, the Panel finds that the Complainant has satisfied Paragraph §4(a)(ii) of the Policy.

1. Registered and Used in Bad Faith, §4(a)(iii)

Having determined that Respondent lacks rights or legitimate interests, the Complainant must then prove on the balance of probabilities both that the disputed domain name was registered in bad faith and that it is being used in bad faith. The consensus is expressed in WIPO Overview 3.0, section 3.1.4. is that "the mere registration of a domain name that is identical or confusingly similar [. . .] to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

Absent a cogent explanation from Respondent justifying its choice of domain name, this supports the conclusion that it registered the disputed domain name with the purpose of taking advantage of the goodwill and reputation accruing to Complainant's trademark. Whatever value the disputed domain name may have is directly related to the goodwill Complainant has established for its trademark in the international marketplace as established here by the multiple national registrations for QWEN.

Paragraph 4(b) of the Policy sets out four nonexclusive circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. Of the four nonexclusive circumstances, paragraph 4(b)(iv) most readily applies:

(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.

The Complainant explains that the term “QWEN” is not a generic or commonly used word in English, nor does it possess any independent meaning outside its association with the Complainant’s AI model series. It is a stylized transliteration of the Chinese name “” (Tongyi Qianwen), which identifies the Complainant’s original product line and has been consistently used in both domestic and international branding efforts. The adoption of “QWEN” as the English-language designation for this product series was widely publicized and has become closely associated with the Complainant’s technological offerings and well-known reputation. The Respondent registered a domain name that fully incorporates the Complainant’s trademark “QWEN” and specifically the model name “Qwen3” shortly after the Complainant’s trademark filings and public launch.

It is clear from the Respondent's use of the disputed domain name and the reference therein that it registered it with actual knowledge of the Complainant's rights. In this regard, panels have concluded that such awareness may be evidence of bad faith. See WIPO Belstaff S.R.L. v. jiangzheng ying, WIPO Case No. D2012-0793; Udemy, Inc. v. Dan Mao, WIPO Case No. DCO2023-013; Facebook Inc. v. June Kimchi c/o Dynadot, WIPO Case No. D2018-2251; Sentara Healthcare v. Katherine Cole, WIPO Case No. D2023-0811; and Tarmac Trading Limited v. Garrett Henson, Atum Systems, WIPO Case No. D2023-2091.

The Panel agrees with the Complainant that the structure of the disputed domain name in this case – incorporating in its second level the identical name of the Complainant’s trademark QWEN along with the additional numeral “3” – is suggestive of an association with the Complainant that it does not have. See Royal Bank of Canada - Banque Royale Du Canada v. Registration Private, Domains By Proxy, LLC / Randy Cass, WIPO Case No. D2019-2803 ("[W]here the facts of the case establish that the respondent’s intent in registering or acquiring a domain name was to unfairly capitalize on the complainant’s nascent [. . .] trademark, panels have been prepared to find the respondent acted in bad faith".) Such actions are clearly intended to exploit the

trust and recognition associated with the reputable brand for the Respondent's own benefit.

In light of this extensive and well-documented public exposure and considering the linguistic and commercial context in which it operates, it is inconceivable to assume that the Respondent registered the disputed Domain Name without intending to target the Complainant. This timing and choice of domain strongly suggest a deliberate attempt to associate with the Complainant's brand and capitalize on its growing recognition, without any authorization or legitimate interest.

The Complainant shows that the disputed Domain Name resolves to a third-party website where users are prompted to click "Allow" to confirm that they are not robots, as part of a scam or fraudulent scheme. Such behavior is incompatible with any claim to rights or legitimate interest in the disputed Domain Name and further supports the conclusion that the Respondent's registration and use of the Domain Name were carried out in bad faith See section 3.4 of the WIPO Overview 3.0: Panels have consistently held that the use of a domain name for purposes other than hosting a website – such as phishing, identity theft, or deceptive redirection – may constitute bad faith. In the present case, even though the disputed Domain Name resolves to third-party website, the Respondent is clearly attempting to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark.

The Panel agrees with the Complainant's view, that this behavior amounts to intentional exploitation of the Complainant's brand reputation and is direct evidence of bad faith (See, e.g., WIPO Case No. DCO2023-013, Udemy, Inc. v. Dan Mao; WIPO Case No. D2018-2251, Facebook Inc. v. June Kimchi c/o Dynadot; WIPO Case No. D2023-0811, Sentara Healthcare v. Katherine Cole; WIPO Case No. D2023-2091, Tarmac Trading Limited v. Garrett Henson, Atum Systems). Moreover, the Respondent is using the Disputed Domain Name in a deceptive and fraudulent manner. Specifically to attract Internet users searching for the Complainant's AI model "Qwen3" – which is part of a product series publicly available as open source – by redirecting them to a third-party website that does not offer any legitimate content or services. Instead, the website displays a misleading CAPTCHA-style prompt ("Allow" to verify you are not a robot), which is a known fraudulent scheme designed to induce user interaction under false pretences.

The Panel further agrees with the Complainant in concluding that the evidence establishes that the disputed domain name was registered and is being used in bad faith. See Auchan Holding SA v. WhoisGuard Protected / WhoisGuard, Inc. / Daniel Morgan, WIPO Case No. D2021-0797 ("The evidence outlined above that the Respondent is falsely suggesting he is connected and/or authorised by the Complainant in order to gather personal information for phishing purposes is evidence that the Respondent has acted in opposition to the Complainant's commercial interests and has unduly disrupted the business of the Complainant.") See also WIPO Overview 3.0, Sec. 3.3: "While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent . . . to provide any evidence of actual or contemplated good-faith use, . . . and (iv) the implausibility of any good faith use to which the domain name may be put."

The Panel finds that the Complainant has adduced more than sufficient evidence that the Respondent registered and is using the disputed domain name in bad faith both in general and in particular because the Respondent's conduct puts the case squarely within paragraph 4(b)(iv) as well as within the larger notion of abusive conduct.

Accordingly, having thus demonstrated that Respondent registered and is using the disputed domain name in bad faith, Complainant has also satisfied 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. **qwen3.org**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2025-12-15

Publish the Decision