Decision for dispute CAC-UDRP-108279

Case number	CAC-UDRP-108279
Time of filing	2025-12-30 10:45:02
Domain names	alibabaoutdoor.com

Case administrator

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

Complainant

Organization	Alibaba Group Holding Limited

Complainant representative

Organization	Convey srl

Respondent

Organization	Guangzhou Freshworld Electrical Appliance Ltd., Co

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings in respect of the domain name <alibabaoutdoor.com> ("the disputed domain name").

IDENTIFICATION OF RIGHTS

The Complainant owns an extensive portfolio of registered trade marks for ALIBABA, including long-standing registrations in numerous jurisdictions worldwide, including China, the United States, the European Union, the United Kingdom, and Singapore. These registrations cover a wide range of goods and services in, inter alia, Nice Classes 9, 16, 35, 36, 38, 39, 41 and 42 (each a "trade mark" and collectively the "Complainant's trade marks").

The Complainant also owns and operates a substantial portfolio of domain names incorporating the ALIBABA trade mark, including <alibaba.com>, registered in 1999.

The disputed domain name was registered on 9 April 2025 and resolves to a website which appears to commercialise outdoor-related products and services.

FACTUAL BACKGROUND

A. Complainant's Assertions

The Complainant is a multinational enterprise specialising in e-commerce, retail, Internet services and technology, and operates

globally across more than 190 countries. It submits that ALIBABA is a distinctive and well-known trade mark worldwide.

B. Respondent's Assertions

The Respondent appears to be a Chinese entity identified as Guangzhou Alibaba Outdoor Trading Co., Ltd. The Respondent did not file a Response and has provided no evidence of any rights or legitimate interests in the disputed domain name.

PARTIES CONTENTIONS

A. Complainant

A.1 Preliminary Matter: Language of the Proceeding

Upon the registrar verification confirming that the Registration Agreement for the disputed domain name is in Chinese, the Complainant submitted a request that the language of the proceeding be English.

The Complainant submits that the Respondent is familiar with English, as evidenced by the composition of the disputed domain name in Latin characters, including the English word "outdoor", the use of the Top-Level Domain ("TLD") "<.com>", and the fact that the associated website is entirely in English. The Complainant further submits that the Respondent could not reasonably be unaware of English as the principal language of international commerce.

The Complainant argues that requiring translation into Chinese would cause unnecessary cost and delay and would be inconsistent with the UDRP's objective of providing an efficiency and cost-effective dispute resolution mechanism.

A.2 Complainant's Submissions

A.2.1 Identical or Confusingly Similar

The Complainant submits that it holds extensive and long-standing trade mark rights in ALIBABA. It contends that the disputed domain name wholly incorporates that trade mark and that the addition of the descriptive term "outdoor" and the TLD <.com> does not dispel confusing similarity.

A.2.2 Rights or Legitimate Interests

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. It submits that the Respondent is neither authorised nor commonly known by the disputed domain name, and that the use of the domain name is not in connection with a bona fide offering of goods or services.

According to the Complainant, the Respondent is using the disputed domain name to trade on the reputation of the trade mark ALIBABA, misleading Internet users as to the source or affiliation of the associated website.

A.2.3 Registered and Used in Bad Faith

The Complainant contends that, given the notoriety of the trade mark ALIBABA, the Respondent must have been aware of the Complainant's rights at the time of registration of the disputed domain name.

It submits that the disputed domain name is being used to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trade mark, including by prominently displaying that mark on the associated website. The Complainant further relies on the Respondent's continued use of the disputed domain name despite notice of infringement as additional evidence of bad faith.

A.2.4 Remedy Sought

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not file any Response. The Panel therefore proceeds on the basis of the uncontested evidence submitted by the Complainant and may draw such inferences as it considers appropriate pursuant to Rule 14(b) of the UDRP Rules.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

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The Complainant has, to the satisfaction of the Panel, shown that the Respondent has no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the UDRP Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name was registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the UDRP Policy).

PROCEDURAL FACTORS

1. Language of the Proceeding

Pursuant to Rule 11 of the UDRP Rules, the Panel has discretion to determine the language of the proceeding, having regard to the circumstances of the case and the requirements of fairness and procedural efficiency.

The Registration Agreement for the disputed domain name is in Chinese. The Complainant has requested that English be adopted as the language of the proceeding and has submitted the Complaint in English. The disputed domain name comprises Latin characters, including the English word "outdoor", and the associated website is presented entirely in English. The Respondent has not appeared in the proceeding and has not objected to the use of English.

The Panel considers that requiring translation of the Complaint and supporting evidence into Chinese would introduce disproportionate cost and delay, without any evident procedural benefit. Having regard to the circumstances of the case, and the objectives of fairness, equality of treatment, and expedition, the Panel determines that English shall be the language of the proceeding.

2. Procedural compliance

The Panel finds that all procedural requirements under the UDRP Policy, UDRP Rules, and CAC's UDRP Supplemental Rules have been satisfied. The matter is properly before the Panel.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel decides on the basis of the statements and evidence submitted, in accordance with the UDRP Policy, the UDRP Rules, and any applicable legal principles.

Under Paragraph 4(a) of the UDRP Policy, the Complainant must establish, on the balance of probabilities, that:

i) The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;

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.

B. Identical or Confusingly Similar

The disputed domain name incorporates the Complainant's trade mark ALIBABA in its entirety. The additional term "outdoor" is descriptive and does not prevent the trade mark from remaining the dominant (given it is at the beginning of the domain name string) and clearly recognisable element of the disputed domain name. The inclusion of a descriptive term relating to goods or services associated with the Complainant is more likely to increase, rather than dispel, the risk of confusion among Internet users.

The Panel therefore finds that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights, within the meaning of paragraph 4(a)(i) of the UDRP Policy.

C. Rights or Legitimate Interests

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name.

The Panel accepts that the term "Alibaba" has a well-known literary origin and is not a coined word. However, the Panel also finds that, in the present case, the Respondent's use of the term "Alibaba" is not referable to its literary meaning but rather to the

commercial reputation of the Complainant. The disputed domain name and the associated website make no reference to the literary character "Alibaba" or to any descriptive or generic meaning of the term. Instead, the term is used as a commercial identifier in a manner that takes unfair advantage of the reputation attaching to the Complainant's trade mark in the Panel's view.

The Respondent appears to be a Chinese-based entity operating a commercial business offering outdoor-related products or services. The Panel considers this geographic and commercial context to be relevant. The Complainant originated in China and is one of the most prominent and recognisable Chinese enterprises internationally. In these circumstances, the Panel considers it implausible that a Chinese commercial entity adopting the name "Alibaba" for use in a trade-facing domain name would be unaware of the Complainant and its trade mark rights.

There is no evidence that the Respondent has been authorised, licensed, or otherwise permitted to use the trade mark ALIBABA, nor that it is commonly known by the disputed domain name. The website associated with the disputed domain name does not make any reference to the literary character "Alibaba" or to any alternative, independent meaning of the name. Instead, the term is used as a commercial identifier in connection with goods and services.

While UDRP jurisprudence recognises that dictionary or common words may, in appropriate circumstances, support a legitimate interest, such circumstances require that the domain name be genuinely used for its descriptive or generic meaning and not to obtain an unfair commercial advantage. Here, the Respondent's use of the disputed domain name exploits the reputation of the Complainant's trade mark in order to attract Internet users, without authorisation and without any clarification of the absence of affiliation. Such use does not give rise to rights or legitimate interests.

The Respondent has not filed a Response and has offered no explanation for its choice of the disputed domain name. The Panel therefore finds that the Respondent has no rights or legitimate interest in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel does not proceed on the basis that "Alibaba" is a coined term, nor does it infer bad faith merely from the registration of a domain name incorporating a literary or dictionary word.

However, having regard to the totality of the circumstances, the Panel finds otherwise in the present case. The Complainant's trade mark ALIBABA is well known, particularly in China, where the Respondent is based. The Respondent's adoption of the term "Alibaba" in the disputed domain name and its use on a commercial website offering goods or services indicates an intention to take unfair advantage of that reputation, rather than to make any genuine reference to a literary meaning of the term.

The disputed domain name is used in connection with a commercial website offering goods or services, in a manner that is likely to cause Internet users to associate the Respondent's business with the Complainant. The absence of any disclaimer or explanation of non-affiliation reinforces that impression. In these circumstances, the Panel finds it far more likely than not that the Respondent was aware of the Complainant and its trade mark rights at the time of registration.

By adopting a domain name incorporating the Complainant's trade mark and using it to attract Internet users to its commercial website, the Respondent has sought to obtain an unfair commercial advantage by creating a likelihood of confusion as to source, sponsorship, affiliation or endorsement. Such conduct falls within paragraph 4(b)(iv) of the UDRP Policy.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the UDRP Policy.

E. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <alibabaoutdoor.com> be transferred to the Complainant, Alibaba Group Holding Limited.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **alibabaoutdoor.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2026-02-05