Decision for dispute CAC-UDRP-108567

Case number	CAC-UDRP-108567
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Domain names	qwen35.xyz

Case administrator

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

Complainant

Organization	Alibaba Innovation Private Limited

Complainant representative

Organization	Convey srl

Respondent

Name	Xing Wang

Respondent representative

Name	Xing Wang

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 numerous registrations for the trademark "QWEN", including the EU trademark No. 019113462, “QWEN”, registered on August 2, 2005, for goods and services in classes 9 and 42.

The disputed domain name was registered by the Respondent on February 9, 2026.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a company that belongs to a leading Chinese multinational conglomerate founded on June 28, 1999, in Hangzhou, Zhejiang and active in over 190 countries. The Complainant's group operates across a wide range of sectors including e-commerce, retail, Internet, and technology. It offers consumer-to-consumer, business-to-consumer, and business-to-business sales services through both Chinese and international marketplaces. In addition, the Complainant's group provides services in digital media and entertainment, logistics, and cloud computing.

The Complainant's group was ranked in 2020 as the fifth-largest artificial intelligence enterprise globally.

As part of its AI strategy, the Complainant has developed QWEN, a family of cutting-edge large language models (LLMs) designed for multilingual understanding, reasoning, and enterprise applications.

The Complainant has systematically promoted its Qwen models through a series of public releases, both internationally and domestically.

The QWEN model has been showcased at major industry events and has achieved top-tier recognition across several international and Chinese AI benchmarks.

The Complainant registered the domain name <qwen.net> on March 18, 2023, followed by the domain name <qwen.ai> on August 27, 2023. The latter resolves to the Complainant’s official website.

The Complainant has consistently promoted the “QWEN” denomination across major online platforms, including its official website, as well as verified accounts on leading social media and developer environments.

PARTIES CONTENTIONS

The parties' contentions are summarized below.

COMPLAINANT:

The Complainant considers that the disputed domain name is confusingly similar to the Complainant’s trademarks, as it incorporates the Complainant’s “QWEN” trademark in its entirety. The Complainant argues that the addition of the numerical element “35” does not affect the recognizability of the Complainant’s mark, which remains the dominant component of the disputed domain name. The Complainant adds that top-level domains are typically disregarded for the purpose of the first element analysis.

The Complainant states that the Respondent is neither a licensee nor an authorized distributor of the Complainant and has received no permission to use the Complainant’s "QWEN" trademark or to register a domain name incorporating it. The Complainant points out that it has not granted the Respondent any rights to operate a domain name identical or confusingly similar to its trademark.

The Complainant observes that the Respondent uses the disputed domain name to promote activities in the field of Artificial Intelligence related services, thereby attempting to exploit the Complainant’s reputation and goodwill, and such use cannot constitute a bona fide offering of services nor any legitimate non-commercial or fair use.

The Complainant considers that the Respondent's conduct confirms that the Respondent holds no rights or legitimate interests in respect of the disputed domain name.

The Complainant considers that it is inconceivable that the Respondent was unaware of the Complainant’s rights when registering the disputed domain name.
The Complainant observes that the disputed domain name resolves to a website on which the Complainant’s trademarks are prominently and unduly displayed and this would demonstrate that the Respondent was fully aware of the Complainant’s brand and deliberately sought to associate its own offerings with it. The Complainant argues that such conduct constitutes clear evidence of bad-faith registration and use.
The Complainant underlines that the Respondent failed to respond when contacted in an effort to explore an amicable resolution.

The Complainant points out that the Respondent's conduct evidences a clear and deliberate attempt to associate itself with the Complainant’s brand, leveraging its reputation and technological credibility to attract users. The Complainant submits that the Respondent's unauthorized use of the Complainant’s trademarks on the website, combined with the provision of information services under the “QWEN” name, does not only confirm that the Respondent is fully aware of the Complainant’s business, but also highlights that it is actively seeking to benefit from the Complainant’s goodwill. In the view of the Complainant, such behavior supports the conclusion that the Respondent’s registration and use of the disputed domain name were undertaken in bad faith.

The Complainant concludes that the disputed domain name was registered in bad faith and is being used in bad faith.

RESPONDENT:

The Respondent filed no administratively compliant Response, but simply stated that the website was taken down.

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

Paragraph 5(c)(i) of the Rules for Uniform Domain Name Dispute Resolution Policy provides that:

"The response, including any annexes, shall be submitted in electronic form and shall:

(i) 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 [...]".

The Panel notes that the Response consists merely of a statement that the website was taken down. Therefore, it does not comply with the above-mentioned requirements and cannot be considered as an administratively compliant Response.

The Panel observes that the fact of having deactivated the website does not prevent a transfer decision based on the Policy (see, for example, WIPO Case No. D2016-1140).

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

In accordance with paragraph 4(a) of the Policy, in order to obtain the transfer of the disputed domain name, the Complainant has to demonstrate that:

(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.

IDENTICAL OR CONFUSINGLY SIMILAR

The first requirement that the Complainant must establish is that the disputed domain name is identical with, or confusingly similar to the Complainant's trademark or service mark rights.

There are two elements of this test: the Complainant must demonstrate that it has rights in a trademark or service mark and, if so, the disputed domain name must be shown to be identical or confusingly similar to the trademark or service mark.

The Complainant has proven ownership, among others, of the registered trademark "QWEN", identified in section "Identification of rights" above.

On the question of identity or confusing similarity, what is required is simply a comparison and assessment of the disputed domain name itself to the Complainant's trademark.

The disputed domain name differs from the Complainant's trademark "QWEN" only by the addition of the number "35", and of the top-level domain ".XYZ".

It is a common view that where a trademark is the distinctive part of a domain name, the domain name is considered to be confusingly similar to the trademark (see, for example, WIPO case No. D2017-1266).

In the present case, the number "35" has no impact on the distinctive part "QWEN". It is well established that where the relevant trademark is recognizable within the domain name, the addition of other elements like random numbers would not prevent a finding of confusing similarity (see, for example, WIPO case No. D2022-0073).

It is also well established that the top-level domain may generally be disregarded in the confusing similarity test (see, for example, WIPO case No. D2016-2547).

In the light of the above, the Panel considers that the disputed domain name is confusingly similar to the Complainant's trademark "QWEN".

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

RIGHTS OR LEGITIMATE INTERESTS

The second requirement that the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the respondent has rights or legitimate interests in a domain name:

(i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [the Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [the Respondent] [has] acquired no trademark or service mark rights; or

(iii) [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 trademark or service mark at issue.

This is a non-exhaustive list of circumstances in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement falls on the Complainant. UDRP panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative".

Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent and the burden of proof on this requirement shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in a domain name.

The Panel finds that the Complainant has made out a prima facie case that the Respondent does not have rights or legitimate interests in the disputed domain name.

In particular, the Complainant states that:

- the Respondent is neither a licensee nor an authorized distributor of the Complainant;

- the Respondent has received no permission to use the Complainant's "QWEN" trademark or to register a domain name incorporating it;

- it has not granted the Respondent any rights to operate a domain name identical or confusingly similar to its trademark;

- the Respondent uses the disputed domain name to promote activities in the field of Artificial Intelligence related services, thereby attempting to exploit the Complainant's reputation and goodwill.

In the absence of an administratively compliant Response, there is no indication in the present case that the Respondent is commonly known by the disputed domain name. Indeed, the Response consists merely of a statement that the website was taken down, and the Respondent's name is not "Qwen".

Furthermore, the Respondent has failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under paragraph 4(c) of the Policy or other evidence of rights or legitimate interests in the disputed domain name.

The Respondent does not appear to make any legitimate non-commercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods or services. Indeed, the disputed domain name redirected users to a website showing the Complainant's trademark and AI-related content.

Taking into account that the Respondent is neither a licensee nor an authorized distributor of the Complainant, that the Respondent

has received no permission to use the Complainant’s trademark or to register a domain name incorporating it, that the Complainant has not granted the Respondent any rights to operate a domain name identical or confusingly similar to its trademark, that the disputed domain name redirected users to a website showing content in the same business field of the Complainant's one, and that based on the information published on the Whois the Respondent is not known as the disputed domain name, the Panel cannot imagine any possible legitimate justification for this use, and the Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name.

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

BAD FAITH

Under the third requirement of the Policy, the Complainant must establish that the disputed domain name has been both registered and used in bad faith by the Respondent.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, including:

(i) circumstances indicating that [the Respondent] [has] registered or [has] acquired the [disputed] domain name primarily for the purpose of selling, renting, or otherwise transferring the [disputed] 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 [disputed] domain name; or

(ii) [the Respondent] [has] registered the [disputed] 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 [disputed] domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the [disputed] domain name, [the Respondent] [has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] web site 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] web site or location or of a product or service on [the Respondent's] web site or location.

The Panel, on the basis of the evidence presented, agrees with the Complainant's contentions that the disputed domain name was registered in bad faith and that it has been used in bad faith.

The Panel observes that it is well established that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative. Therefore, even where a complainant is not able to demonstrate the literal application of one of the above-mentioned scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behaviour detrimental to the complainant’s trademark would also satisfy the complainant’s burden.

The Respondent should have performed an internet search, aimed at excluding possible conflicts with third party rights. Therefore, the Respondent has failed to carry out such a search and has to be considered responsible for the resulting abusive registration under the concept of wilful blindness (see, for example, WIPO Case No. D2018-1182). Consequently, this circumstance is considered by the Panel as evidence of bad faith.

As regards the fact that the disputed domain name, incorporating the Complainant's trademark, points to a website that promotes activities in the field of AI-related services on which the Complainant’s trademarks are prominently displayed, the Panel considers that this constitutes evidence of bad faith.

In the circumstances of this case, the Panel considers the fact that the Respondent did not reply to the written communication from the Complainant as further evidence of bad faith, in line with the view of other panels in similar cases (see, for example, WIPO Case No. D2022-3457).

The Panel observes that if the Respondent had legitimate purposes in registering and using the disputed domain name it would have filed an administrative compliant response in this proceeding.

The Panel, having taken into account the Respondent's knowledge of the "QWEN" trademark at the time of the disputed domain name’s registration, the fact that the disputed domain name points to a website that promotes activities in the field of AI-related services, the fact that the Respondent did not reply when contacted by the Complainant, and that no administrative compliant response to the complaint has been filed considers that the disputed domain name was registered and is being used in bad faith.

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

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **qwen35.xyz**: Transferred

PANELLISTS

Name	**Michele Antonini**

DATE OF PANEL DECISION 2026-05-03

Publish the Decision