Decision for dispute CAC-UDRP-108765

Case number	CAC-UDRP-108765
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Domain names	geekbarspulseflavor.com

Case administrator

Name	Olga Dvořáková (Case admin)

Complainant

Organization	Guangdong Qisitech CO., LTD.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	jeanna marcella

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 registered owner of the trademark GREEK BAR, registered in China and the United States, and with the WIPO and the EUIPO, inter alia, as follows:

- CNIPA Reg. No. 45380452, registered on January 7, 2021, in Class 34,
- USPTO Reg. No. 6275589, registered on February 23, 2021, in Class 34,
- WIPO Reg. No. 1676896, registered on June 8, 2022, in Class 34, designating the Syrian Arab Republic and the Islamic Republic of Iran, and
- EUIPO Reg. No. 018225081, registered on August 26, 2020, in Class 34.

FACTUAL BACKGROUND

Established in 2016, the Complainant, Guangdong Qisitech Co., Ltd., is the registered proprietor of the GEEK BAR trademark for disposable electronic cigarette products. The Complainant is a wholly owned subsidiary of Shenzhen Geekvape Technology Co., Ltd., and both entities collaborate extensively in the global development and marketing of the brand. Under established UDRP precedent, the Complainant rightfully relies upon the commercial activities and associated goodwill generated by this affiliated corporate group to establish its rights under the Policy.

The Complainant extensively used the GEEK BAR mark well prior to the registration of the disputed domain name. Supported by an R&D infrastructure of over 100 engineers and comprehensive OEM/ODM capabilities, the Complainant's premium product lines, such as the Pulse series, Skyview, and Wondar, feature advanced dual core heating technology and high-capacity specifications. To meet escalating global demand, the Complainant has invested £120 million in a new, state of the art manufacturing facility located in the Zhuhai National High Technology Industrial Development Zone.

Consequently, GEEK BAR has achieved substantial market penetration across the United States, the United Kingdom, Europe, Russia, and the Middle East, evidenced notably by its rapid surge in U.S. Nielsen Market Scan data starting in late 2023. The Complainant has further cultivated immense brand equity through strategic marketing, including industry design awards, extensive YouTube reviews, and prominent endorsements from major social media influencers, such as Austin Lawrence ("Vape God," commanding 4 million Instagram followers). Coupled with five years of sustained global search volume demonstrated by Google Trends data, the evidence incontrovertibly establishes that the GEEK BAR mark had acquired significant international recognition, distinctiveness, and commercial goodwill long before the disputed domain name was registered.

The disputed domain name was registered on July 21, 2025. It resolves to a website that impersonates or falsely purports to be an official website of the Complainant. Said website prominently and repeatedly displays the GREEK BAR mark and logo in connection with the purported sale of GREEK BAR branded electronic cigarettes.

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.

(i) The Complainant holds rights in the trademark GEEK BAR, as set forth in the "Identification of Rights" section above. The disputed domain name is confusingly similar to the Complainant’s trademark GEEK BAR, as it incorporates the mark in its entirety, followed only by the descriptive terms "pulse" and "flavor," along with the ".com" gTLD.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither licensed nor otherwise authorized to use the Complainant’s GEEK BAR mark, nor is the Respondent commonly known by the disputed domain name. Furthermore, the Respondent is not engaged in any bona fide offering of goods or services, nor is it making any legitimate noncommercial or fair use of the disputed domain name. Rather, the disputed domain name resolves to a website that impersonates or seeks to pass itself off as an official website of the Complainant. Said website prominently and repeatedly displays the GEEK BAR mark and logo in connection with the purported sale of GEEK BAR branded Pulse series products. The Respondent has failed to accurately and prominently disclose its lack of affiliation with the Complainant.

(iii) The disputed domain name was registered and is being used in bad faith, thereby satisfying the cumulative requirement under the Policy that both bad faith registration and bad faith use be established. The Respondent registered the disputed domain name incorporating the well-known and widely recognized GEEK BAR mark, despite having no rights or legitimate interests in doing so. The website associated with the disputed domain name r impersonates or passes itself off as an official website of the Complainant, prominently displaying the GEEK BAR mark and logo in multiple locations in connection with the purported sale of GEEK BAR branded electronic cigarette products. The website at the disputed domain name is not an incidental or peripheral use of the Complainant's mark. Rather, it is a comprehensively constructed retail environment built around the Complainant's brand in systematic detail. The copyright assertion in the footer of the website eliminates any residual possibility of an innocent explanation. The Respondent failed to provide any accurate or prominent disclaimer regarding its lack of affiliation with the Complainant.

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

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(2) Respondent has no rights or legitimate interests in respect of the domain name; and

(3) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant asserts ownership of the registered trademark GEEK BAR, as identified in the "Identification of Rights" section above. The Panel recognizes that an international or national trademark registration is sufficient to establish rights in a mark. Accordingly, the Panel finds that the Complainant has established its rights in the GEEK BAR trademark.

The Complainant further contends that the disputed domain name **<geekbarspulseflavor.com>** is confusingly similar to its GEEK BAR mark, as it incorporates the GEEK BAR mark in its entirety, followed only by the descriptive terms "pulse" and "flavor," along with the ".com" gTLD. The addition of a generic or descriptive term, together with a gTLD, is insufficient to distinguish a disputed domain name from a trademark. See SportScheck GmbH v. wu han yu chong shang mao you xian gong si, CAC-UDRP-107391 (CAC April 14, 2025) ("The addition of a generic or descriptive term and a gTLD does not sufficiently distinguish a disputed domain name from a trademark."). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's GEEK BAR mark.

No rights or legitimate interests

A complainant must first make a prima facie case that a respondent lacks rights and legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate it does have rights or legitimate interests. See Section 2.1, WIPO Jurisprudential Overview 3.1 ("Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.").

Relevant information, such as WHOIS data, can serve as evidence to demonstrate whether a respondent is or is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii). The Panel notes that the unmasked WHOIS data lists "jeanna marcella," as the registrant, and there is no evidence in the record indicating that the Respondent was authorized to use the mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii).

The Complainant asserts that the website at the disputed domain name impersonates or passes itself off as an official website of the Complainant. Said website prominently and repeatedly displays the GEEK BAR mark and logo in connection with the sale of GEEK BAR branded electronic cigarettes. The Respondent has failed to accurately and prominently disclose its lack of affiliation with the Complainant.

Based on the screenshot of the website at the disputed domain name, the Panel specifically notes that the Complainant's GEEK BAR logo is displayed prominently in the website's navigation bar, deploying the Complainant's full visual identity as the anchor of the website's commercial presentation. The website reproduces official GEEK BAR product imagery, including the Pulse series packaging and branding, accompanied by product descriptions, retail pricing, and fully functional add-to-cart functionality. The website presents an organized product catalogue across the Complainant's range. The footer of the website states "Copyrights @2025 ALL RIGHTS RESERVED GEEKBARSPULSEFLAVOR," asserting legal ownership over a website constructed entirely upon the Complainant's trademark, branding, and product portfolio, without a single disclaimer disclosing the absence of any relationship with the Complainant.

In the absence of any response, the authenticity of the GEEK BAR branded electronic cigarettes offered for sale at the disputed domain name is unknown. If the Respondent was offering only the Complainant's genuine goods, the question of fair use must be considered. The leading authority on this issue is Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, in which the respondent was a reseller of the complainant's OKIDATA products and had registered the domain name <okidataparts.com> for that purpose. The panel in that case held that such use may constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, provided that certain conditions are met:

- The respondent must actually be offering the goods or services at issue;
- The respondent must use the website to sell only the trademarked goods (otherwise, there is a risk that the respondent is using the trademark in the domain name to bait consumers and switch them to other products);
- The website must accurately disclose the respondent's relationship with the trademark owner; and
- The respondent must not seek to corner the market in all relevant domain names, thereby preventing the trademark owner from reflecting its own mark in a domain name.

The Panel notes that the Respondent's website does not disclose its relationship, or lack thereof, with the Complainant. Accordingly, even if the Respondent was offering only the Complainant's genuine goods, such use does not constitute a bona fide offering of goods or services under paragraph 4(c)(i), nor a legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. Furthermore, when a respondent uses a disputed domain name to impersonate a complainant, such conduct does not qualify as a bona fide offering or a legitimate noncommercial or fair use. See Würth International AG v. Mandy Mohr, CAC-UDRP-107275 (CAC March 17, 2025) (holding that the use of a domain name to feature the complainant's mark and related content did not qualify as a bona fide offering or a legitimate noncommercial use under Policy paragraph 4(c)(i) or (iii)).

Even if the website associated with the disputed domain name offers only the Complainant's genuine goods for sale, any display that exceeds the inevitable use of the trademark necessary for selling such goods, and misleads Internet users into believing that the website is the Complainant's official website or its authorized distributor, constitutes an impermissible act of impersonating the Complainant or its authorized distributor. Furthermore, the Respondent has failed to provide any disclaimer regarding its relationship with the Complainant. Taking into account the circumstances, including the reputation of the Complainant's mark, the reproduction of product-related imagery and website layout to which the Complainant appears to hold copyrights, as well as the display of a false copyright notice, the Panel finds that the Respondent's conduct amounts to an act of impersonation that goes beyond the inevitable display of the trademark. Accordingly, the Respondent's use does not constitute a bona fide offering of goods.

Based on the foregoing, the Panel finds that the Complainant has established a prima facie case against the Respondent. As the Respondent has failed to submit a response or otherwise rebut the Complainant's allegations, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the 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 domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online 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 respondent's website or location.

The Complainant asserts that the Respondent registered and used the disputed domain name in bad faith by intentionally disrupting the Complainant's business and seeking to attract Internet users to a competing website for commercial gain. The Panel notes that when the Respondent impersonates the Complainant through a disputed domain name, such conduct constitutes bad faith disruption of the Complainant's business under paragraph 4(b)(iii) of the Policy and reflects an intent to commercially benefit by creating confusion under paragraph 4(b)(iv) of the Policy. See Xiaomi Inc. v. Nguyễn Đức Đạt (N/A), CAC-UDRP-107237 (CAC Feb. 12, 2025) (finding that the respondent's use of a disputed domain name to offer competing products disrupted the complainant's business and misled Internet users by falsely suggesting affiliation with the complainant, thereby supporting a finding of bad faith registration and use under Policy paragraph 4(b)(iv)).

As previously noted, the disputed domain name resolves to a website that impersonates or passes itself off as an official website of the Complainant. Said website prominently and repeatedly displays the GEEK BAR mark and logo in connection with the purported sale of GEEK BAR branded electronic cigarettes. The Panel finds that the Respondent's conduct, coupled with the misleading copyright indication, is designed to impersonate the Complainant and mislead Internet users into believing they are interacting with the Complainant or with an authorized outlet. Such behavior not only creates a likelihood of confusion but also intentionally diverts consumers away from the Complainant's official website, thereby interfering with the Complainant's business operations and exploiting the goodwill associated with its mark for commercial gain.

Accordingly, the Panel concludes that the Respondent's conduct satisfies the criteria for bad faith registration and use under paragraphs 4(b)(iii) and 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. **geekbarspulseflavor.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2026-07-25

Publish the Decision