

Decision for dispute CAC-UDRP-108885

Case number CAC-UDRP-108885

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Domain names durateches.com

Case administrator

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

Complainant

Organization Hangzhou Great Star Industrial Co., Ltd.

Complainant representative

Organization Beijing Chofn Intellectual Property Co., Ltd.

Respondent

Name Ford Sarah

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 relies on its registered trademarks:

Mark	Territory	Registration No.	Registration Date	Classes
DURATECH	United States	4,703,103	March 17, 2015	8
DURATECH	United States	5,010,834	August 2, 2016	9, 10
DuraTech (stylized)	United States	6,489,022	September 21, 2021	8
DURATECH	European	010484855	October 3, 2012	7, 8

	Union			
DuraTech (device)	European Union	018876137	April 9, 2024	6, 7, 8, 9, 10, 11, 20
DURATECH	United Kingdom	UK00910484855	Renewed July 14, 2021; valid until December 11, 2031	(comparable UK registration derived from EU TM No. 010484855)
DuraTech (device)	Singapore	40202310736R	May 19, 2023	7
DuraTech (device)	Singapore	40202310742W	May 19, 2023	8
DuraTech (device)	Australia	2107356	July 29, 2020	7
DuraTech (device)	Australia	2107365	July 29, 2020	8
DURATECH	Argentina	3.251.722	Renewed January 6, 2022; valid until March 2, 2032	7
DURATECH	Argentina	3.251.723	Renewed January 6, 2022; valid until March 2, 2032	8
DuraTech (device)	Argentina	3.514.703	April 8, 2024; valid until April 8, 2034	8

The Complainant states that United States Trademark Registration Nos. 4,703,103 and 5,010,834 for DURATECH claim first use in commerce dating from March 9, 2003, and that United States Trademark Registration No. 6,489,022 for the stylized "DuraTech" mark claims first use in commerce dating from March 23, 2013.

Further, the Complainant operates its business using its domain name <duratechtools.com>.

FACTUAL BACKGROUND

The Complainant is Hangzhou Great Star Industrial Co., Ltd., a joint stock company incorporated in 2001 under the laws of the People's Republic of China, with its principal place of business in Hangzhou, Zhejiang Province, China. The Complainant is a diversified industrial group engaged in the research, development, manufacture, and sale of hand tools, power tools, laser measuring instruments, industrial storage systems, and related hardware products, and states that it is recognized as Asia's largest hand tool enterprise and one of the world's leading hand tool manufacturers.

DuraTech is a brand of mechanic and automotive repair tools owned by the Complainant, under which it offers hand tools, power tools, pneumatic tools, and tool storage solutions manufactured in the Complainant's factories in China and Southeast Asia.

The Complainant has been publicly listed on the Shenzhen Stock Exchange since 2010 and has additionally listed Global Depositary Receipts on the SIX Swiss Exchange since 2022. It reported operating revenue of approximately RMB 14.8 billion for fiscal year 2024 and has been recognized in industry rankings, including the Hurun Research Institute's "2024 Hurun China 500" and the China National Light Industry Council's lists of top enterprises. The Complainant also states that the DuraTech brand has an established and growing commercial presence in the United States, evidenced by substantial sales and customer volumes on Amazon in the periods preceding the registration of the disputed domain name.

Registration of the disputed domain name

The disputed domain name is <durateches.com>, registered on June 23, 2026.

First UDRP element – the disputed domain name is confusingly similar to the Complainant's trademark

The Complainant contends that the disputed domain name wholly incorporates the Complainant's DURATECH trademark, merely appending the two letters "ES" immediately after the mark, before the ".com" generic Top-Level Domain suffix. The Complainant submits that the DURATECH mark remains clearly and immediately recognizable within the disputed domain name, that the addition of "ES" does not create a new or distinct term, and that this constitutes a textbook instance of typosquatting. The Complainant further submits that the ".com" gTLD is disregarded for purposes of the confusing similarity assessment.

Second UDRP element – the Respondent has no rights or legitimate interests in the disputed domain name

The Complainant contends that it has never licensed, authorized, or otherwise permitted the Respondent to use the DURATECH trademark or to register any domain name incorporating that mark, and that no commercial relationship of any kind exists or has ever existed between the Parties.

The Complainant further contends that the Respondent has no trademark rights in "DURATECH" or "DURATECHES," and that there is nothing to suggest the Respondent has ever been commonly known by the disputed domain name.

The Complainant states that the website resolving at the disputed domain name operated under the name "Duratech Tool Emporium," offering wrench sets, socket sets, pliers, and related tools, accompanied by a logo which the Complainant contends bears visual similarities to its registered DuraTech device mark. The Complainant contends that the website discloses no information regarding the Respondent's identity or its relationship (or lack thereof) to the Complainant and instead presents itself as the Complainant's own official outlet.

The Complainant contends that, to the extent the Respondent might seek to characterize itself as a reseller or distributor of the Complainant's goods, such a defense would not withstand scrutiny under the Oki Data criteria, which require that a respondent's site accurately disclose its lack of relationship with the trademark holder and not create the impression that it is the trademark owner's own official outlet. The Complainant submits that the Respondent has done the opposite: it has disclosed no relationship information and has structured the site to give the impression that it is the Complainant's own official store. The Complainant contends that such conduct falls outside the Oki Data safe harbor and instead constitutes impersonation, which cannot give rise to rights or legitimate interests.

Third UDRP element – the disputed domain name was registered and is being used in bad faith

The Complainant contends that the registration of the disputed domain name was a deliberate and targeted act, given the Complainant's longstanding trademark registrations and substantial, growing commercial use of the DURATECH mark, including significant Amazon sales volumes predating the registration of the disputed domain name.

The Complainant contends that the content of the Respondent's website – reproducing the Complainant's mark as its own store name, replicating the Complainant's device logo, and offering the same categories of hand tools (wrench sets, socket sets, and pliers) marketed by the Complainant under the DuraTech brand – places beyond doubt that the Respondent could not credibly claim ignorance of the Complainant or its mark.

The Complainant contends that the use made of the disputed domain name constitutes bad faith use under paragraph 4(b)(iv) of the Policy, as an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website and the goods offered on it.

The Complainant states that the disputed domain name was registered on June 23, 2026, and that, as shown in screenshots dated July 20, 2026, within approximately four weeks of registration the disputed domain name resolved to a fully built, branded retail website of the kind described above. The Complainant contends that this timeframe is inconsistent with any legitimate exploratory or good-faith registration.

The foregoing facts and arguments asserted by the Complainant are uncontested because no Response was filed.

PARTIES CONTENTIONS

Complainant's contentions are summarized above.

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

Language Of Proceeding

According to Rule 11 in the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") "...the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding."

According to the information on the case file, the Registrar confirmed that the Respondent is the current registrant of the disputed domain name, and that the language of the registration agreement is English.

As neither party has asked that the proceeding be conducted in a language other than that of the Registration Agreement, the Panel finds that this proceeding may be properly conducted in English.

THREE ELEMENTS THE COMPLAINANT MUST ESTABLISH UNDER THE POLICY

According to paragraph 4(a) of the Policy, the complainant is required to prove each of the following three elements to obtain an order that a domain name should be transferred or cancelled:

- (i) the 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 domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS

The Complainant has demonstrated registered trademark rights in the mark DURATECH in numerous jurisdictions around the world. These trademark rights substantially predate the registration of the disputed domain name.

A registered trademark constitutes sufficient evidence of rights for the purposes of paragraph 4(a)(i) of the Policy. The Panel therefore finds that the Complainant possesses rights in the DURATECH trademark.

The disputed domain name incorporates the Complainant's DURATECH trademark in its entirety. The addition of the letters "ES" does not prevent the Complainant's trademark from remaining clearly recognizable within the disputed domain name. On the contrary, the Panel notes that "DuraTeches" reads as a plausible plural or minor variant of "DuraTech," which reinforces rather than diminishes the association with the Complainant's mark.

It is well established that where a domain name wholly incorporates a complainant's trademark, the addition of letters, terms, or numerals will generally not prevent a finding of confusing similarity.

The ".com" gTLD is generally disregarded for the purposes of the confusing similarity assessment as it is a technical requirement of domain name registration.

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has

rights and that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

(B) THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the disputed domain name. The generally adopted approach, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it; see, for example, WIPO Overview 3.1, section 2.1 ("Although the overall burden of proof in UDRP proceedings is on the complainant, 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", requiring information that is often primarily within the knowledge or control of the respondent. As such, 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.""). However, the burden of proof still remains with the complainant to make out its prima facie case on a balance of probabilities. Moreover, the wording of paragraph 4(a)(ii) of the Policy requires a complainant to establish that the respondent has no rights or legitimate interests in the domain name in issue. Simply establishing that the complainant also has rights in the domain name in issue is insufficient.

As a preliminary point, the Complainant states that it has not authorized, licensed, or otherwise permitted the Respondent to use the DURATECH trademark, and that no relationship of any kind exists between the Parties.

Paragraph 4(a)(ii) of the Policy contemplates an examination of the available facts to determine whether a respondent has rights or legitimate interest in the domain name. Paragraph 4(c) sets out a list of circumstances through which a respondent may demonstrate that it does have such rights or interests.

The first circumstance, under paragraph 4(c)(i), is where "before any notice of the dispute, the respondent's 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". Here, according to screenshot evidence submitted by the Complainant, the disputed domain name resolves to a website operating under the name "Duratech Tool Emporium," purporting to offer for sale hand tools including products with a device logo bearing visual similarities to the Complainant's registered DuraTech mark. Further, the website offers for sale the same categories of hand tools — wrench sets, socket sets, and pliers — marketed by the Complainant under the DuraTech brand. The Panel has considered whether the Respondent's use of the disputed domain name to offer DuraTech branded tools for sale could give rise to rights or legitimate interests under the principles established in the Oki Data test (Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903). The evidence before the Panel does not support such a finding. The Respondent's "About" page, reviewed by the Panel, discloses no information regarding the Respondent's identity and contains no disclaimer explaining the absence of any affiliation with the Complainant, thereby creating a false impression of sponsorship or endorsement. Further, cases applying the Oki Data test typically involve a domain name comprising the trademark plus a descriptive term such as "parts" or "repairs"; here, by contrast, the disputed domain name is a typosquatted variation of the Complainant's trademark, obtained by the mere addition of the letters "ES," which is inconsistent with a good-faith reseller registration. Accordingly, the Panel finds no evidence of a bona fide offering of goods or services or demonstrable preparations to use under Policy paragraph 4(c)(i).

The second circumstance, under paragraph 4(c)(ii), concerns cases where the Respondent is commonly known by the domain name. Here, according to the registrar verification, the Respondent's name is "Ford Sarah", an individual based in Indiana, in the United States, which bears no similarity or connection to the disputed domain name. There is no evidence before the Panel that the Respondent has been commonly known by the disputed domain name.

The third circumstance, under paragraph 4(c)(iii) of the Policy, provides that a respondent may demonstrate rights or legitimate interests in circumstances where there is non-commercial or fair use of the domain name, without intent for commercial gain or to misleadingly divert consumers or to tarnish the trademark or service mark. Here, the evidence shows that the disputed domain name resolves to a commercial retail website, offering DuraTech branded tools for sale under a "New Arrivals" call to action. Such commercial use is plainly intended to create the impression of an association with the Complainant and does not constitute a legitimate non-commercial or fair use of the disputed domain name. None of the accepted categories of fair use — such as news reporting, commentary, political speech, or education — are found to apply.

Accordingly, the Complainant has sufficiently made out its prima facie case on the second element of the Policy. Thus, the burden of production shifts to the Respondent to rebut the Complainant's case. Here, because the Respondent has not participated in these proceedings, there is no such rebuttal to consider, and the Complainant prevails.

The Panel therefore concludes that neither the Respondent nor the evidence establishes that the Respondent has any rights or legitimate interests in the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME

The third element requires the Complainant to show that the disputed domain name has been registered and is being used in bad faith under paragraph 4(a)(iii) of the Policy.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of four circumstances, any one of which may be evidence of the registration and use of a domain name in bad faith. The four specified circumstances are:

(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 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 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.

Sub-paragraph (iv) is most relevant to the facts of this case.

The Panel finds that the Complainant has shown that the Respondent registered and used the disputed domain name in bad faith, for the reasons set out below.

1. There is no evidence that the Respondent is commonly known by the disputed domain name, and the Complainant confirms that the Respondent has never been affiliated with nor authorized by the Complainant to use the Complainant's DURATECH trademark or to register the disputed domain name. Nor is there any business or other association between the Complainant and the Respondent.
2. The Complainant's DURATECH trademark had, by the time of registration of the disputed domain name, acquired a substantial and long-standing reputation, as evidenced by its portfolio of registered trademarks across numerous jurisdictions predating the disputed domain name by, in some instances, over a decade, and its established and growing commercial presence on Amazon in the United States including 938,947 total customers in Q4 2025 as shown in the Amazon Brand Analytics report. This Panel finds that, in light of this well-established status, it is more probable than not that the Respondent either knew, or should have known, of the Complainant and its DURATECH trademark at the time of registration.
3. The disputed domain name incorporates the Complainant's distinctive DURATECH trademark in its entirety, with the mere addition of the letters "ES." The Panel finds it inconceivable that the Respondent selected this combination — the Complainant's mark in full, altered only by a typographical variation, and thereafter used to sell the very same categories of hand tools marketed by the Complainant under that mark — without actual knowledge of the Complainant and an intent to target its trademark.
4. The evidence shows that the disputed domain name resolves to a website operating under the name "Duratech Tool Emporium," purporting to offer for sale hand tools including products bearing a device logo with visual similarities to the Complainant's registered DuraTech device mark. Further, the website offers for sale the same categories of hand tools — wrench sets, socket sets, and pliers — as those marketed by the Complainant under the DuraTech brand. The Panel finds that the Respondent intentionally sought to create the false impression that the website was operated by, affiliated with, or authorized by the Complainant. Such conduct falls squarely within paragraph 4(b)(iv) of the Policy.
5. The disputed domain name was registered on June 23, 2026, and by July 20, 2026 — within approximately four weeks — it resolved to the fully built, branded retail website described above. The Panel finds that this short timeframe is inconsistent with any legitimate exploratory or good-faith registration, and instead indicates that the disputed domain name was registered specifically for, and put to, the use described above.
6. The Respondent has not participated in these proceedings and has therefore provided no explanation or evidence capable of rebutting the Complainant's evidence as to the Respondent's registration and use of the disputed domain name

Considering the totality of the circumstances the Panel concludes that the disputed domain name was registered and is being used in bad faith.

The Complainant has therefore 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. durateches.com: Transferred

PANELLISTS

Name	Claire Kowarsky
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DATE OF PANEL DECISION	2026-08-29
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Publish the Decision