Decision for dispute CAC-UDRP-108952

Case number	CAC-UDRP-108952
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Domain names	baseussouthafrica.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Shenzhen Baseus Technology Co. Ltd.

Complainant representative

Organization	Chofn Intellectual Property

Respondent

Name	Huang baochuan

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 registered trademarks for "BASEUS" in a number of jurisdictions, including the following registered trademarks:

Mark	Registration number	Jurisdiction	Registration date	Nice classes
BASEUS (stylised)	1109755	International registration (WIPO), designating inter alia Australia, the European Union, Japan, the Republic of Korea, Singapore, Turkey and the United States of America	November 8, 2011	9
Baseus	14897443	China	September 14, 2015	35
BASEUS	017656001	European Union	June 7, 2018	9, 35

Baseus	1893826	Australia	July 18, 2018	9
Baseus	1893827	Australia	July 18, 2018	35
baseus (stylised)	1238348 (International registration 1731684)	New Zealand	October 3, 2023	7, 9, 12, 35

Each of the registrations listed above, other than the New Zealand registration, was originally obtained in the name of Shenzhen Times Innovation Technology Co., Ltd.

The record shows that those registrations were assigned to the Complainant and that the assignments were recorded by:

- the European Union Intellectual Property Office on January 13, 2022;
- IP Australia on February 7, 2022;
- the China National Intellectual Property Administration on June 13, 2022;
- the International Bureau of the World Intellectual Property Organization on September 19, 2022.

The Complainant also operates an official website at <baseus.com>.

FACTUAL BACKGROUND

The Complainant is a consumer electronics company incorporated under the laws of the People's Republic of China on March 11, 2019.

It is the sole shareholder of Shenzhen Times Innovation Technology Co., Ltd., the entity in whose name the "BASEUS" trademarks were first registered.

The BASEUS brand was created in 2011 and is used in connection with mobile digital accessories, including power banks, chargers, cables, earbuds and headphones.

The BASEUS brand is said to have a presence in more than 100 countries, a user base of 300 million and annual deliveries of over 100 million products.

Market data publications by Omdia and TechRadar place the BASEUS brand highly. It has also received several design awards.

The disputed domain name <baseussouthafrica.com> was created at the registry on May 28, 2026.

On July 29, 2026, the disputed domain name resolved to an English language website headed "Baseus South Africa - Baseus Power Bank & Earbuds Sale South Africa Online".

Content from the disputed domain name website showed the following:

- the Complainant's logo;
- an offer for sale of a range of products bearing the “BASEUS” trademark, including power banks, chargers, cables, earbuds and headphones, with prices expressed in South African rand;
- an invitation to visitors to subscribe to a newsletter to "Get the latest news from Baseus"; and
- the notice "Copyright © 2026 Baseus South Africa".

The website contained no statement of the Respondent's relationship, or lack of relationship, with the Complainant.

By September 7, 2026, the disputed domain name no longer resolved to an active website.

PARTIES CONTENTIONS

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

RIGHTS

The Complainant has shown rights in respect of its trademark registrations for the purposes of the Policy. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("**WIPO Overview 3.1**"), section 1.2.1.

The test for determining confusing similarity is a relatively simple one. Essentially, the approach is to conduct a side-by-side comparison of the disputed domain name and the relevant trademark. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323; WIPO Overview 3.1, section 1.7.

It is well established that a domain name which wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for UDRP purposes. See Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin, WIPO Case No. D2003-0888.

Where the relevant trademark is recognisable within the disputed domain name, the addition of other terms, whether descriptive, geographical or otherwise, does not prevent a finding of confusing similarity under the first element. See WIPO Overview 3.1, section 1.8.

The disputed domain name <baseussouthafrica.com> consists of the Complainant's "BASEUS" trademark in its entirety, followed by the geographical term "south africa". The trademark is the first and dominant element of the disputed domain name. It remains clearly recognisable within it. The geographical term “south africa” does nothing to dispel the similarity. In fact, the Panel considers that such a geographical reference suggests the Complainant is operating in South Africa.

The ".com" suffix is a standard registration requirement and is disregarded for the purpose of considering this element. See WIPO Overview 3.1, section 1.11.1.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The principles which guide the Panel's determination of this element are uncontroversial.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455; Document Technologies, Inc. v. International Electronic Communications Inc., WIPO Case No. D2000-0270; WIPO Overview 3.1, section 2.1.

Once such a prima facie case is made, the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the domain name. The ultimate burden of proof remains with the complainant. If the respondent fails to answer the prima facie case, paragraph 4(a)(ii) of the Policy is satisfied.

Here, the Complainant asserts that the Respondent has not been licensed or authorised by it to use its "BASEUS" trademark or to register any domain name incorporating it.

There is no evidence that the Respondent has been commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. The Registrar has identified the Respondent as an individual named Huang Baochuan, a name which bears no resemblance to the disputed domain name.

The only demonstrated use of the disputed domain name has been for a website which presented itself as "Baseus South Africa", displayed the Complainant's logo, and offered for sale products bearing the Complainant's trademark.

The Panel accepts that a reseller or distributor of trademarked goods may, in some circumstances, make a bona fide offering of goods and services through a domain name which incorporates the trademark.

The conditions on which such use may be regarded as bona fide were set out in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, and are summarised in WIPO Overview 3.1, section 2.8.1. Among those conditions is the requirement that the website accurately and prominently disclose the registrant's relationship with the trademark owner.

The Panel finds that none of the conditions are satisfied here.

The Complainant asserts that the Respondent's website did not disclose any relationship, or the absence of any relationship, with the Complainant. On the contrary, it asserts that the Respondent adopted the name "Baseus South Africa" as its own identity, reproduced the Complainant's logo, invited visitors to receive "the latest news from Baseus", and claimed copyright in the name of "Baseus South Africa".

A domain name which combines a trademark with a geographical term will ordinarily be understood as referring to the trademark owner's presence in that territory. Such a domain name cannot, in the absence of authorisation, be regarded as one which the Respondent is entitled to use for its own commercial purposes. See WIPO Overview 3.1, section 2.5.1.

The strong inference here is that the Respondent was conveying the overall impression that the disputed domain name website was the Complainant's official retail outlet for South Africa, or at least one authorised by it. That is not the case as asserted by the Complainant.

There is also no evidence that the Respondent was in fact selling genuine goods or was selling anything at all.

The Respondent has not filed an administratively compliant response.

The Panel notes that since the Complaint was filed the disputed domain name has ceased to resolve to any website.

The Panel considers, on the evidence, that the Respondent's use of the disputed domain name does not amount to a bona fide offering of goods or services within paragraph 4(c)(i), or to a legitimate non-commercial or fair use within paragraph 4(c)(iii), of the Policy.

The Complainant has established a prima facie case, and the Respondent, having filed no administratively compliant response, has done nothing to rebut it.

Accordingly, 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 Policy).

BAD FAITH

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances which, if found to be present, are evidence of registration and use of a domain name in bad faith.

Paragraph 4(b)(iv) provides that there is evidence of registration and use in bad faith where, by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation or endorsement of the website or of a product or service on it.

Registration in bad faith

The Complainant's "BASEUS" trademark had been registered for more than fourteen years prior to the registration of the disputed domain name. The evidence adduced by the Complainant of market rankings, media coverage and design awards provides support for the conclusion that its reputation as a significant brand predates the registration of the disputed domain name.

The Complainant contends that the composition of the disputed domain name leaves no room for an innocent explanation. The disputed domain name reproduces the "BASEUS" trademark in its entirety, combined with the geographical term "South Africa". Taken as a whole, that combination conveys the impression of an official retail outlet of the Complainant for South Africa.

The Complainant also asserts that within about two months of registration, that website reproduced the Complainant's logo, described itself as "Baseus South Africa" and offered products bearing the Complainant's mark.

The Panel accepts that the "BASEUS" trademark has acquired a significant reputation in the field of consumer electronics and mobile accessories. It is also inherently distinctive and does not appear to have a dictionary meaning.

A registrant with no connection to the Complainant would likely have no plausible reason to select a name that is widely known and highly specific to the Complainant.

The selection of the disputed domain name incorporating the Complainant's “BASEUS” trademark, followed by a website adopting the Complainant's branding, cannot be explained by coincidence. On the contrary, the strong inference is that the Respondent knew or should have known that its registration would be identical or confusingly similar to the Complainant’s “BASEUS” trademark.

Accordingly, the Panel finds that the Respondent registered the disputed domain name in bad faith and did so in order to target the Complainant.

Use in bad faith

The Complainant asserts that the Respondent used the disputed domain name for a commercial website which held itself out as the Complainant's South African outlet. Internet users searching for an official or authorised source of BASEUS products in South Africa would have been drawn to that website by the disputed domain name.

There is no evidence to show that such internet users would have found information to correct the impression that they were dealing with the Complainant or an entity authorised by it. The absence of any disclaimer, in circumstances where the Respondent had both the opportunity and an obvious reason to include one, reinforces the inference that the confusion was intended.

The Panel notes that the disputed domain name has ceased to resolve since the Complaint was filed.

The cessation of an infringing use after notice of a dispute does not cure the earlier bad faith use, and the current non-use of a domain name does not prevent a finding of bad faith.

Given the distinctiveness and reputation of the "BASEUS" trademark, the composition of the disputed domain name, the Respondent's earlier use of it, and the Respondent's failure to respond to the Complaint, the Panel cannot conceive of any good faith use to which the disputed domain name could now be put.

The Respondent has not filed an administratively compliant response and has offered no explanation for its conduct.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown that 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

Language of the proceeding

Paragraph 11(a) of the Rules provides that, unless otherwise agreed by the parties, or specified otherwise in the registration agreement, 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.

The Registrar has confirmed that the language of the registration agreement is Chinese. The Complaint was filed in English, and the Complainant requests that English be the language of the proceeding.

The Panel has a discretion to determine the language of the proceeding.

In exercising that discretion, the Panel must have regard to fairness to the parties and to the need for the proceeding to be conducted with due expedition.

Factors which panels have considered relevant include the language of the domain name, the language of the content of the website to which it resolves, the evidence of the respondent's ability to understand the language of the complaint, and the costs and delay which translation would entail. See WIPO Overview 3.1, section 4.5.1.

The Panel has decided that English should be the language of the proceeding for the following reasons.

First, the disputed domain name is composed of Latin characters and combines the Complainant's trademark with the English name of a country.

Secondly, the website to which the disputed domain name resolved was presented entirely in English, with prices in South African rand, and was evidently directed at English speaking consumers in South Africa. The Respondent chose to conduct that business in English.

Thirdly, the CAC sent the written notice of the Complaint to the Respondent in both Chinese and English, and the Respondent has not objected to the language of the proceeding or communicated with the CAC in any language.

Fourthly, requiring the Complainant to translate the Complaint and its annexes into Chinese would impose cost and delay without any corresponding benefit to a Respondent who has chosen not to participate.

In all the circumstances, the Panel is satisfied that the Respondent will suffer no prejudice from the proceeding being conducted in English.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2(a) of the Rules states that the CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge the CAC's responsibility to achieve actual notice to the Respondent.

On September 29, 2026, the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

“Please be aware that neither the written notice of the Complaint nor the advice of delivery thereof was returned to the Czech Arbitration Court. The CAC is therefore unaware whether the written notice was received by the Respondent.

As far as the e-mail notice is concerned, we received a confirmation that the e-mail notice sent to <postmaster@baseussouthafrica.com> was returned as undeliverable because the email address had permanent fatal errors.

The e-mail notice was also sent to <jedmargaret78510@outlook.com>, but we have not received any proof of delivery or notification of non-delivery.

No further e-mail address could be found on the disputed website.

The written notice was sent both in Chinese and English.

According to our records, the Respondent never accessed the online platform.”

Given the reasonable measures employed by the CAC as set out in the above non-standard communication, the Panel is satisfied that all procedural requirements under the UDRP were met and there is no other reason why it would be inappropriate to provide a

decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns registered trademarks for "BASEUS" in several jurisdictions, the earliest dating from November 2011, which are used in connection with its consumer electronics and mobile accessories business.

The disputed domain name <baseussouthafrica.com> was created at the registry on May 28, 2026, well after the Complainant had established its trademark rights.

It resolved to an English language website which presented itself as "Baseus South Africa", reproduced the Complainant's logo and offered for sale products bearing the Complainant's trademark, without any disclosure of the Respondent's relationship with the Complainant.

It has since ceased to resolve.

The Complainant challenges the registration and use of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy and seeks its transfer.

The Respondent did not file an administratively compliant response.

For the reasons articulated in the Panel's findings above, the Panel is satisfied that:

(a) the disputed domain name is confusingly similar to the Complainant's "BASEUS" trademark;

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

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

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **baseussouthafrica.com**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2026-09-30

Publish the Decision