Decision for dispute CAC-UDRP-109064

Case number	CAC-UDRP-109064
Time of filing	2026-10-14 09:29:23
Domain names	baseusindiastore.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 various trademark registrations for BASEUS, including:

- International Trademark Registration No. 1109755, registered on 8 November 2011;
- European Union Trademark Registration No. 017656001, registered on 7 June 2018;
- Australian Trademark Registration No. 1893826, registered on 18 July 2018; and
- Australian Trademark Registration No. 1893827, registered on 18 July 2018.

FACTUAL BACKGROUND

The Complainant is a Chinese consumer electronics company and the owner of the BASEUS trademark, which is used in connection with electronic products and accessories.

The disputed domain name incorporates the Complainant's BASEUS trademark in its entirety, together with the terms "india" and "store".

The Complainant previously filed a complaint concerning the disputed domain name under CAC Case No. CAC-UDRP-108964 on 4 September 2026.

On 4 October 2026, the previous Panel rejected the Complaint, finding that the Complainant had failed to establish that the disputed domain name was registered and used in bad faith. In particular, the evidence submitted by the Complainant concerned another domain name rather than the disputed domain name.

The Complainant subsequently filed the present Complaint, relying on corrected website evidence, additional supporting materials and a related UDRP decision involving the same Respondent.

The Complainant submits that these circumstances justify acceptance of the present refiled Complaint.

The Respondent appears to be an individual based in Anhui, China.

The disputed domain name was registered on 27 May 2026.

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

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).

The Complainant relies upon its trademark registrations for BASEUS. The registration of a trademark is sufficient to establish rights in a mark for the purposes of paragraph 4(a)(i) of the Policy. See Avast Software s.r.o. v. Milen Radumilo, 102384 (CAC 2019-03-12). The Panel therefore finds that the Complainant has established rights in the NOVARTIS trademark.

The disputed domain name incorporates the Complainant's BASEUS trademark in its entirety. The addition of the terms "INDIA" and "STORE" does not prevent a finding of confusing similarity. The generic Top-Level Domain ".com" is disregarded for the purposes of the first-element assessment.

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

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant states that it has not authorized, licensed or otherwise permitted the Respondent to use its BASEUS trademark. There is no evidence that the Respondent is commonly known by the disputed domain name. The evidence submitted by the Complainant shows that the disputed domain name resolved to a website displaying the BASEUS trademark and offering BASEUS-branded products while presenting itself as "Baseus India Store".

The Panel considers that such use creates an impression of affiliation with or authorization by the Complainant. Furthermore, the combination of the Complainant's trademark with the terms "india" and "store" suggests an official or authorized retail outlet of the Complainant.

The Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The burden of production therefore shifts to the Respondent to demonstrate rights or legitimate interests in the disputed domain name.

The Respondent has not filed a Response or otherwise participated in these proceedings. There is no evidence before the Panel of any circumstances establishing rights or legitimate interests on the part of the Respondent within the meaning of paragraph 4(c) of

the Policy.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant contends that the Respondent registered the disputed domain name with knowledge of the Complainant's BASEUS trademark and with the intention of targeting the Complainant. It further alleges that the disputed domain name resolves to a website presenting itself as "Baseus India Store", displaying the Complainant's trademark and offering BASEUS-branded products, thereby creating a false impression of affiliation with or authorization by the Complainant.

The Panel notes that the Complainant's BASEUS trademark was registered long before the Respondent registered the disputed domain name on 27 May 2026. The disputed domain name incorporates the Complainant's trademark in its entirety, together with the terms "india" and "store". The evidence submitted by the Complainant shows that the disputed domain name resolved to a website displaying the Complainant's trademark and offering BASEUS-branded products. The Panel considers that the composition of the disputed domain name and the content of the associated website indicate that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name.

The Complainant further relies on CAC Case No. CAC-UDRP-108952, involving the same Respondent and another domain name incorporating the BASEUS trademark, as evidence of a pattern of bad-faith conduct. The Panel observes that baseussouthafrica.com was registered on 28 May 2026, only one day after the disputed domain name.

Both domain names incorporate the Complainant's BASEUS trademark together with geographical terms and were associated with websites presenting themselves as local BASEUS retail outlets.

The Panel considers that these similarities, together with the findings in the related decision, support an inference that the Respondent deliberately targeted the Complainant's trademark through multiple domain name registrations.

The Panel acknowledges that each UDRP dispute must be determined on its own facts and evidence. Nevertheless, the Respondent's conduct concerning another closely related domain name is relevant to the assessment of bad faith in the present proceedings.

The Panel considers that the Respondent's registration and use of the disputed domain name were intended to create a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website.

By using the disputed domain name to operate a website displaying the Complainant's trademark and offering BASEUS-branded products, the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating such likelihood of confusion.

The Panel finds that these circumstances constitute evidence of registration and use in bad faith under paragraph 4(b)(ii) and (iv) of the Policy.

The Respondent has not filed a Response or provided any explanation for its registration and use of the disputed domain name.

Having considered the evidence in its entirety, including the content of the website associated with the disputed domain name and the Respondent's conduct in the related proceedings, the Panel finds that the disputed domain name was registered and is being used in bad faith.

For the foregoing reasons, the Panel finds the Complainant has satisfied 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.

PRELIMINARY ISSUE 1 - LANGUAGE OF PROCEEDING:

The Panel notes that the language of the Registration Agreements is Chinese, as confirmed by the Registrar. The official Complaint was submitted in English and the Respondents did not submit an official response. Pursuant to paragraph 11 of the Rules, 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. However, this is subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant requests that English be adopted as the language of the proceedings, arguing that the disputed domain name

consists of Latin characters and includes the English terms "india" and "store". The associated website was also displayed in English, suggesting the Respondent's familiarity with the language. The Complainant further submits that requiring translation of the Complaint and supporting evidence into Chinese would impose additional costs and unnecessary delay.

The Panel is bilingual and fully capable of conducting the proceeding in both Chinese and English. In view of the English-language content of the website and the absence of a timely response from the Respondent, the Panel finds it appropriate to conduct the proceedings in English and would serve the UDRP's objective of facilitating the swift resolution of disputes. Accordingly, the Panel determines that the language requirement has been satisfied, and that the language of the proceeding shall be English.

PRELIMINARY ISSUE 2 - REFILED COMPLAINT AND RES JUDICATA

The Panel notes that the present Complaint concerns the same parties and disputed domain name as CAC Case No. CAC-UDRP-108964, which was rejected on 4 October 2026.

Under section 4.18 of the WIPO Overview 3.1, refiled complaints may be accepted in exceptional circumstances, including where new material evidence was not reasonably available during the original proceedings.

The Panel notes that the previous Complaint was rejected primarily because incorrect website evidence had been submitted. While such an evidentiary error alone would not justify refiling, the Panel also considers the following related proceedings:

- CAC-UDRP-108952: baseussouthafrica.com, Shenzhen Baseus Technology Co. Ltd. v. Huang Baochuan
  - Complaint filed on 4 September 2026
  - Decision issued on 30 September 2026
  - Complaint accepted
- CAC-UDRP-108964: baseusindiastore.com, Shenzhen Baseus Technology Co. Ltd. v. Huang Baochuan
  - Complaint filed on 4 September 2026
  - Decision issued on 4 October 2026
  - Complaint rejected
- CAC-UDRP-109064: baseusindiastore.com, Shenzhen Baseus Technology Co. Ltd. v. Huang Baochuan
  - Complaint filed on 9 October 2026 (Present Case)

Importantly, the decision in CAC-UDRP-108952 was issued on 30 September 2026, after the original Complaint was filed on 4 September 2026, but only four days before the previous decision. Given the limited opportunity to introduce this development during the original proceedings, the Panel considers it material new evidence relevant to the Respondent's pattern of conduct.

The Panel further notes that the corrected website evidence directly addresses the evidentiary deficiency identified in the previous decision.

Having considered these circumstances collectively, particularly the timing and relevance of the related decision, the Panel finds that exceptional circumstances exist to justify accepting the refiled Complaint, notwithstanding the principle of res judicata.

Accordingly, the Panel proceeds to consider the substantive requirements under paragraph 4(a) of the Policy.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the Policy, the Panel concludes that the disputed domain name should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **baseusindiastore.com**: Transferred

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2026-11-17

Publish the Decision