



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301735
Complainant:	Shopline Holdings Limited
Respondent:	雪林
Disputed Domain Name:	<shopline-au.life >

1. The Parties and Contested Domain Name

The Complainant is Shopline Holdings Limited, of 21/F, Nam Wo Hong Building, 148 Wing Lok Street, Hong Kong. The Complainant's authorized representative is Chofn Intellectual Property, of 1218 12th Floor, No. 68 West Road of North Fourth Ring, Haidian, Beijing 1000081.

The Respondent is 雪林, of 中国香港黄大仙道 53 号.

The domain name at issue is <shopline-au.life> (the "Disputed Domain Name"), registered by the Respondent with Name.com, Inc.

2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre ("the Centre") on 31st March 2023. On the same date, the Centre notified the Complainant the receipt of its Complaint. The Centre transmitted a request for registrar verification in connection with the Disputed Domain Name to Name.com, Inc on the same date 31st March 2023. On 4th April 2023, Name.com, Inc responded the Centre stating that (i) a copy of the Complaint had been received, (ii) the Disputed Domain Name was registered with it, (iii) the Respondent was the registrant, (iv) Uniform Domain Name Dispute Resolution Policy applied and (v) the language of the registration agreement for the Dispute Domain Name was English.

The Centre verified that the Complaint satisfied the formal requirements of the ICANN Uniform Domain Name Dispute Resolution Policy (the "Policy"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules"). In accordance with the Rules, the Centre formally notified the Respondent of the Complaint, and the proceeding commenced on 11th April 2023. According to Article 5 of the Rules, the Respondent was required to submit a Response (the Response Form R and its Annexures) on or before 1st May 2023. The Respondent has not filed a Response in accordance with the Supplemental Rules within the required period of time. On 2nd May

2023 the Centre notified the parties the proceeding would be continued on default of the Respondent.

The Centre appointed Mr. Solomon Lam as the sole panelist in this matter on 2nd May 2023. Mr. Solomon Lam has confirmed his availability to act as a panelist and his ability to act independently and impartially between the parties to this dispute.

The Panel finds that it was properly constituted and appointed in accordance with the Rules and the Supplemental Rules. Therefore, this Panel has jurisdiction over this domain name dispute.

3. Language of this proceeding

In accordance with Paragraph 11(a) 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, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The language of the Domain Name Registration Agreement is English. The Complaint has been submitted in English. Therefore, this proceeding shall be conducted in English.

4. Factual background

Founded in 2013, SHOPLINE is a technology SaaS website building platform that provides end-to-end integrated solutions for global merchants in retail scenarios. Shoplevel Holdings Limited established in 2015 and is the owner of the trademark rights for “SHOPLINE”.

SHOPLINE TECHNOLOGY HOLDINGS PTE. LTD. and VLIGHT TECHNOLOGY PTE. LTD. are the associated company established in Singapore by the Complainant in this case.

5. Parties' Contentions

A. Complainant

The Complainant's contentions can be summarized as follows:

(i) The Disputed Domain Name is Identical or Confusingly Similar

The Complainant says that SHOPLINE is a cross-border e-commerce standalone SAAS website building platform, focusing on cross-border e-commerce website building, established in Hong Kong, China in 2013. SHOPLINE provides global brand sellers with one-stop services in website building, traffic, payment and logistics through the combination of emerging digital technology and e-commerce industry. Since its inception the Complainant has set up offices in Shenzhen, Guangzhou, Hong Kong, Taiwan, Kuala Lumpur, Malaysia, Ho Chi Minh City, Singapore, Bangkok and 10 other regions and now serves 350,000+ merchants and 530 million consumers worldwide. To date, the Complainant has built an international team of nearly 2,000 people and is now Asia's

leading SaaS platform for independent sites, building a full chain of services from supply chain, traffic, payment, logistics to training to help sellers create brand highlights, sink private domain traffic and achieve differentiated operations.

Back in the early days of SHOPLINE's creation, in 2014, Shopleftine became a member of the Silicon Valley-based 500 Startups accelerator in 2014; And in 2015, the Complainant nets \$1.2M in funding from 500 Startups, Ardent Capital, SXE Ventures, East Ventures, and COENT Venture Partners; In 2016 the complainant accessed the Alibaba Investment Fund; During 2017-2018, the Complainant became a google and facebook partner with over 150,000 global merchants and reached at least 200 million global consumers; In 2019, the Complainant received Series B investment and shortlisted for the Google Premier Partner Awards, the number of the Complainants' global merchants exceeds 200,000, reaching at least 350 million consumers; In the period 2020-2021, the Complainant received a strategic investment from JOYY and was listed in the Financial Times' Top 500 Fast Growth Companies in Asia Pacific.

The Complainant says that based on the above, it can be seen that the Complainant has a high level of popularity and influence. As the Complainant's corporate name and core product trademark, SHOPLINE has been in actual use and promotion for many years and has become highly recognisable in the Asia Pacific region. By searching SHOPLINE on google, you can see that all the results point to the Complainant. It follows that SHOPLINE has a unique correspondence with the complainant.

In the disputed domain name shopleftine-au.life, the .life is a new generic top-level domain and is not distinctive, and the .life should be ignored in determining confusing similarity. The practice of disregarding the TLD in determining identity or confusing similarity is applied irrespective of the particular TLD (including with regard to “new gTLDs”); the ordinary meaning ascribed to a particular TLD would not necessarily impact assessment of the first element. It is an accepted principle that the addition of suffixes such as .life, being a gTLD is not a distinguishing factor. (See HUGO BOSS Trade Mark Management GmbH & Co. KG, HUGO BOSS AG v. Max Brauer, CloudStudio, WIPO Case No. D2014-2029). The disputed domain name shopleftine-au.life removes the suffix .life, the remaining part is shopleftine-au, which is a combination of shopleftine, the symbol - and au. Of these, the symbol - has no real meaning and au is an abbreviation for Australia that does not serve to distinguish the goods in this case. Therefore, the above 2 elements should not be used for textual comparison with the Complainant's mark.

From the above analysis, it is concluded that the main identifying part of the disputed domain name is shopleftine, which is the same as the Complainant's registered trademarks SHOPLINE. Prior decisions under the UDRP Policy indicate that the determination of whether a complaint satisfies the requirements of Rule 4(a)(i) of the Policy should be made by directly comparing the character composition of the disputed domain name with that of the Complainant's mark to determine whether the disputed domain name is identical or confusingly similar to the Complainant's mark. Obviously, the disputed domain name shopleftine-au.life completely contains the complainant's SHOPLINE trademark. Accordingly, the Complainant submits that the Disputed Domain Name contains all or at least one of the main features of the Complainant's SHOPLINE mark and is likely to cause confusion.

(ii) The Respondent has no rights or legitimate interests in the Disputed Domain Name

The Complainant says that the complainant has always believed that the disputed domain name effectively impersonates or suggests sponsorship or endorsement by the owner of the trademark and does not constitute fair use.

The Complainant searched various national and regional trademark databases in the name of the Respondent and did not find that the Respondent had trademark rights in the name of SHOPLINE. According to the Complainant's feedback, the Respondent is not in the identity of the Complainant's distributor or partner. The Complainant has never directly or indirectly authorized the Respondent to use the trademarks SHOPLINE and the corresponding domain names in any form.

The name of the Respondent is 雪林. Obviously, it is impossible for him to enjoy the name rights for SHOPLINE.

So, the Complainant says that the Respondent does not have any rights or legitimate interest in the domain name.

(iii) No Bona Fide Offering of Services / Use of the Disputed Domain Name in Bad Faith

The Complainant says it has prior rights to SHOPLINE. The prior trademark rights. The Complainant's official website in Hong Kong was opened in 2014 and its official website in Taiwan was opened in 2017, well before the disputed domain name was registered and used. Before the disputed domain name was registered, the Complainant's SHOPLINE brand had already gained sufficient visibility in the world.

According to the Complainant's preliminary investigation and evidence, it was found that the Respondent had pointed the disputed domain name to a website related to the Complainant's business, and the content of the website also appeared several times with the Complainant's SHOPLINE trademark. This clearly shows that the Respondent knew or should have known the Complainant's business name and trademark when registering the domain name. The Complainant believed that the Respondent did not avoid the Complainant's trademark when he knew or should have known the Complainant's trademark, and the act of choosing to apply for a domain name was malicious. Prior panels have found that knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith. (eBay Inc. v. Renbu Bai, WIPO Case No. D2014-1693 that the Complainant's worldwide reputation, and presence on the Internet, indicates that Respondent was or should have been aware of the marks prior to registering the Disputed Domain Name). The Complainant believed that the Respondent's application for domain name was governed by the "Policy" Article 4(b) stipulates that the fact that the disputed domain name has been "registered in bad faith" shall be determined.

According to the Complainant's preliminary investigation and evidence, it was found that the Respondent had pointed the disputed domain name to a website related to the Complainant's business, and the content of the website also appeared several times with the Complainant's SHOPLINE trademark. The Respondent, on the other hand, after receiving the warning from the Complainant, has taken down the webpage contending for infringement. The Complainant emphasizes that even if the infringing webpage is taken down at this stage, this does not affect the Panelist's finding of bad faith on the part of the Respondent. The disputed domain name had indeed acted in bad faith as described in Policy 4B(iv) prior to that time.

In summary, the Complainant firmly believes that the Respondent has registered and used the disputed domain name in bad faith.

B. Respondent

The Respondent has not filed a Response (the Response Form R and its Annexures) in accordance with the Supplemental Rules.

6. Findings

The Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name must be identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

A) Identical / Confusingly Similar

On the evidence before the Panel, the Complainant has established rights in the "SHOPLINE" mark through its registration and long use as in Hong Kong and China. The Panel also accepts that the rights are well-known in China, Hong Kong and Asia Pacific region.

The Panel considers that the generic top-level domain <.life> shall be disregarded (see e.g. *Pomellato S.p.A. v. Richard Tonetti*, WIPO Case No. D2000-0493). Therefore, the identifiable part of the Disputed Domain Name is "shopline-au".

There are two elements contained in "shopline-au". The first element "shopline" is the same as the Complainant's mark. The panel accepts the Complainant's submission that the second element "-au" may refer to Australia which is part of the Asia Pacific region. Therefore, the Panel accepts that the identifiable part of the Disputed Domain Name "shopline-au.life" is confusing similar with the Complainant's mark.

Therefore, the Panel finds that Article 4(a)(i) of the Policy is satisfied.

B) Rights and Legitimate Interests

Even the Respondent did not produce any evidence to support its rights and legitimate interests in using the Disputed Domain Name, the Complainant is still required to prove that the Respondent has no rights and legitimate interests (*Neusiedler Aktiengesellschaft v. Kulkarni*, WIPO Case No. D2000-1769).

As mentioned above, the Panel accepts that the Complainant has rights in the "SHOPLINE" mark in China, Hong Kong and Asia Pacific region. This pre-dated the registration of the Disputed Domain Name on 15th January 2023.

The Complainant confirmed that the Respondent is not an authorised distributor, reseller or partner of the Complainant or any of its joint ventures and there is no evidence that the Respondent or its name has any connection with the mark “SHOPLINE”.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Panel finds that Article 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

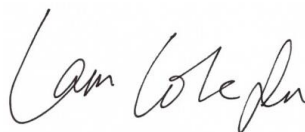
The Panel accepts that the Respondent must have been aware of the Complainant's prior rights and interests in the Disputed Domain Name in light of the Website. It is because the Respondent used the “SHOPLINE” mark and used similar logo which appeared on the Complainant’s official website.

From the contents of the Website, it is obvious that the Respondent used the Disputed Domain Name intentionally to attract Internet users to the Website for commercial gain by creating a likelihood of confusion with the Complainant's mark. This is the situation stated under Article 4(b)(iv) of the Policy.

The Panel finds that the Respondent has registered and used the Disputed Domain Name in bad faith for the purposes of Article 4(a)(iii) of the Policy.

7. Decision

The Panel is satisfied that the Complainant has sufficiently proved the existence of all three elements of Paragraph 4(a) of the Policy. The Panel orders the Disputed Domain Name <shopline-au.life> be transferred to the Complainant.



Solomon Lam
Sole Panelist

Dated: 8th May 2023