



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2401859</b>
<b>Complainant:</b>	<b>Crown Worldwide Holdings Limited</b>
<b>Respondent:</b>	<b>Crown Relo India of Agarwal Car Transport Pvt Ltd</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;crowreloindia.com&gt;</b>

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**1. The Parties and Contested Domain Name**

The Complainant is Crown Worldwide Holdings Limited, of Suite 2001, YF Life Centre, 38 Gloucester Road, Wanchai, Hong Kong.

The Respondent is Crown Relo India of Agarwal Car Transport Pvt Ltd, of Sector 19 C, Vikhroli East, Mumbai, Maharashtra 400083, India.

The domain name at issue is <crowreloindia.com>, registered by Respondent with Go Daddy, LLC.

**2. Procedural History**

On January 10, 2024, the company Crown Worldwide Holdings Limited (the “Complainant”) submitted a complaint (the “Complaint”) in the English language to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “ADNDRC”) concerning 1 domain name <crowreloindia.com> and elected this case to be dealt with by a single-member panel.

On January 11, 2024, the Hong Kong office of the ADNDRC notified the Registrar Go Daddy, LLC (The “Registrar”) by email, that a Complaint was filed with the Hong Kong Office of the ADNDRC by the Complainant. The Hong Kong Office asked the Registrar to submit some information, in particular a confirmation of the WHOIS information, in order to proceed to review Complainant’s Complaint.

On January 12, 2024, the Hong Kong Office of the ADNDRC received the reply from the Registrar.

On January 25, 2023, the Hong Kong Office of the ADNDRC informed Complainant of the deficiencies of the Complaint and requested Complaint to rectify the deficiencies by updating the information of the Respondent in the Complaint with reference to the WHOIS information provided by the Registrar.

On January 26, 2024, Complainant sent amended Annex items and amended Complaint to the Hong Kong Office of the ADNDRC.

On the same day, the Hong Kong Office of the ADNDRC confirmed to Complainant that the Complaint is in administrative compliance with the Uniform Domain Name Dispute Resolution Policy (The “Policy”) and the Rules for ICANN Uniform Domain Name Dispute Resolution Policy (the “Rules”).

The same day, the Hong Kong Office of the ADNDRC notified the respondent Crown Relo India of Agarwal Car Transport Pvt Ltd (the “Respondent”) that a Complaint against them was submitted by Complainant concerning the registered domain name <crowreloindia.com>. The deadline for submitting the response is February 15, 2024.

The same day, the Respondent communicated to the ADNDRC that they would cease all use of the mark “Crown Relo India” and proceed to transfer the disputed domain name to the Complainant.

On February 1, 2024, the Complainant confirmed that they would continue with the proceeding for the subject domain name.

On February 6, 2024, the Panelist acting as a sole party, Nathalie Dreyfus, has been appointed by the Hong Kong Office of the ADNDRC in respect to the disputed domain name.

### **3. Factual background**

The Complainant is part of the renowned Crown Worldwide Group of companies, established in 1965. The Complainant is now one of the largest privately-owned companies in the field of international removals, and its business constitutes seven major divisions known as “Crown Relocations”, “Crown World Mobility”, “Crown Records Management”, “Crown Logistics”, “Crown Fine Art”, “Crown Workspace” and “Crown Wine Cellars”.

The Complainant provides services relating to the relocation of individuals, families, corporates and employees all over the world, including multinational companies and government organizations. The Complainant operates globally in 260 locations, employs over 3,300 people in nearly 45 countries providing expert services, and operates over 200 facilities in such locations. Therefore, the Complainant is today one of the leading companies providing expert specialized international relocation services. The Complainant group adopted the name and mark “CROWN” in relation to its goods and services in or around 1975, and have since been consistently and widely using such name and/or mark globally on a large scale for goods and services.

The Complainant is the owner of several “CROWN RELOCATIONS & Crown device” and “CROWN RELOCATIONS” trademark registrations across various jurisdictions (hereafter “Crown Relocations trademarks”). Some of these trademarks owned by the Complainant are as follows:

Country	Registration No	Classes	Registration date
Argentina	1782268	36	
Bangladesh	113676	39	
China	6936691	39	
Hong Kong	300007190	16, 36, 39	
India	1237736	39	
Indonesia*	IDM000126008	39	April 28, 2008
Ireland	241468	16, 36, 39	
Macau	N/47999	36	
Mexico*	718105	39	December 17, 2010
New Zealand*	986258	16	October 16, 2013
New Zealand*	986064	35	October 11, 2013
* New Zealand	986063	39	October 11, 2013
Portugal	399379	16, 36, 39	
Russian Federation	417627	36, 39	
Taiwan	00168071	36	
Taiwan	00164107	42	
USA*	2699126	16, 35, 36, 39, 41, 42	March 25, 2003
Vietnam	216764	39	
Zanzibar	559/2008	39	
<i>*Jurisdictions in which the registration is held in the name of the Complainant's group / related companies.</i>			

The Complainant has also registered either through itself or its affiliates / subsidiaries more than 100 top level and country code top-level (ccTLD) domain names comprising the trade mark "CROWN". The list below is not exhaustive:

Domain Name	Creation Date
www.crownworldwide.com	09.04.1997
www.crownrelo.com	09.10.1998
www.crownrms.com	30.11.2000
www.crownwinecellars.com	22.11.2002
www.crownfineart.com	31.01.2005
www.crown-logistics.com	08.08.2005
www.crownrelo.co.in	04.10.2005
www.crownrms.co.in	04.10.2005
www.crownworldmobility.co.in	09.12.2011
www.crownworldmobility.com	13.12.2011

#### **4. Parties' Contentions**

##### **A. Complainant**

The Complainant's contentions may be summarized as follows:

The Complainant asserts they not only possesses legitimate and protectable rights by virtue of its various registrations for the Crown Marks, but also common law and unfair competition rights resulting from its long, extensive and continuous use of the "Crown Relocations" trademarks around the world. The Complainant further alleges that the Disputed Domain Name is identical or confusingly similar to the complainant's trademarks. The domain name at issue is comprised of the term "crownrelo", which is both part of and short for the "Crown Relocations" trademarks.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the domain name. In fact, the Complainant has never authorized or permitted the Respondent to use any of the "Crown Relocations" trademarks or any marks which are identical or similar to the "Crown Relocations" trademarks. More, the Complainant alleges that the Respondent had no connection with the Disputed Domain Name. And although the Disputed Domain Name is used on the website to which it resolves, such use is an infringement of the Complainant's rights. Also, the Complainant alleges that the Disputed Domain Name directs to a website which is clearly being used to infringe, and to pass off as, the Complainant's business and create confusion amongst the public. Therefore, the Complainant believes that the website associated with the disputed domain name is aimed to take unfair advantage of the immense goodwill and reputation of the Complainant's Crown marks, to divert visitors / customers by creating initial Internet confusion and thereby commercially gain profit from the dishonest use of the Complainant's "Crown Relocations" trademarks.

The Complainant alleges the Respondent's domain name has been registered in bad faith. In fact, the Complainant provides additional evidence demonstrating the Respondent had actual knowledge of the Complainant and the "Crown Relocations" trademarks, as the Respondent displays the CROWN RELOCATIONS trademark on its website, and considering the reputation of the Complainant. Finally, the Complainant asserts that the disputed domain name has been used in bad faith. Indeed, the disputed domain name is resolving to a website displaying a trademark which is confusingly similar to the Complainant's "CROWN RELOCATION & Crown Device" trademark. The Respondent is trying to falsely suggest an affiliation with the Complainant to confuse Internet users, which demonstrates the Respondent's intentions fraud. More, the Complainant shows that the Respondent's use of the disputed domain name disrupts the Complainant's business by creating confusion amongst the public as to the source, and association of the Respondent's website and the products and services offered on them. Internet users desirous of accessing the Complainant's website could get confused and mistakenly diverted to the Respondent's Website.

##### **B. Respondent**

The Respondent replied that the Respondent would cease all use of the mark “Crown Relo India” and proceed to transfer the disputed domain name to the Complainant.

## 5. Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall 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”.

The ICANN Uniform Domain Name Dispute Resolution 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 is 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

The Complainant has established that registered “Crown Relocations” trademarks long predated the registration of the disputed domain name. When assessing whether the Disputed Domain Name is identical and confusingly similar to the Complainant’s trademark, it has been well established the “.com” generic top-level part should not be considered. The Panel considers that the term “relo” refers to the term “relocation” that the Respondent shortened, similarly to the Complainant’s prior domain names <crowrelo.com> and <crowrelo.co.in>. The Panel also finds that the mere addition of a geographic word does not prevent the disputed domain name from being confusingly similar to the Complainant’s “Crown Relocations” trademarks (*WIPO Case No. D2014-1310*, Organización Sánitas Internacional S.A., formerly known as Compañía de Promociones Internacionales de Servicios de Salud S.A. "Soprinsa" v. Domain Admin / Paulo Roberto Ribeiro Guimaraes –). The disputed domain name is likely to confuse Internet users into believing it will direct to an official website or a page providing information on the Complainant’s services intended for the Indian market. Therefore, the Panel is of the opinion that the additional element “india” in the contested domain name cannot prevent the confusion between the Complainant’s trademarks and the Disputed Domain Name.

On this basis, the Panel finds that the Disputed Domain Name <crowreloindia.com> is confusingly similar to the Complaint’s registered trademarks.

### B) Rights and Legitimate Interests

The Policy provides, at Paragraph 4(c), for some examples without limitations of how a respondent can demonstrate a right or legitimate interest in a domain name:

- i. Before receiving any notice of the dispute, the respondent used or made demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services; or
- ii. The respondent has been commonly known by the domain name; or
- iii. The respondent is making a legitimate noncommercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark at issue.

The Panel finds that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. Respondent does not own any right on the “Crown Relocations” trademarks. In this regard, there is no evidence showing that the Complainant has licensed, authorized or permitted the use of its trademarks to the Respondent, and there is no indication that the Respondent is commonly known by the disputed domain name.

More, the disputed domain name is resolving to a website that displays the “CROWN RELOCATION & Crown Device” and offers relocation services. In the Panel’s opinion, it gives the impression that it is the official website of the Complainant for offering relocations services in India. Thus, the Panel considers that the website associated with the disputed domain name is being used in the course of fraudulently soliciting business, which entitles the Panel to infer that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

### **C) Bad Faith**

The Policy states, at Paragraph 4(b), that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name in 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 complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; or
- ii. The respondent 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 its website or location or of a product or service on its website or location.

The Complainant has put forward evidence showing that Complainant's "Crown Relocations" trademarks have become a significant identifier of the Complainant's goods and services, which enjoy a high reputation worldwide.

Evidence put forward by the Complainant proves the actual knowledge of the Complainant's existence. Indeed, the Respondent's precisely introduced the "CROWN RELOCATION & Crown Device" on the associated website of the disputed domain name. As such, the Panel infers that the Respondent must have sufficiently known about the Complainant's trademark and confirms that the disputed domain name was registered in bad faith (*See Paule Ka v. Paula Korenek, WIPO Case No. D2003-0453*).

Finally, the Complainant asserts that the disputed domain name has been used in bad faith. The similarity between the Crown Relocations trademarks and the Disputed domain name may lead Internet users to a misperception of the sources of services.

The Panel agrees that the domain name was used in order to benefit from the goodwill of the Complainant and the "Crown Relocations" trademarks as the disputed domain name is resolving to a website providing alleged relocation services, identical to the Complainant's one. The services displayed on the page lead directly to the Complainant and feature references to the Complainant's trademarks. The Panel considers that a likelihood of confusion is presumed, and this confusion will inevitably result in illegal commercial gains, which are constitutive of a use in bad faith (*See Fox Media LLC v. Hasan, Friend's and co, WIPO Case No. D2020-0780*). More, the Respondent's use of the disputed domain name misdirects potential visitors seeking the Complainant's services. Such confusion will result in actual or prospective customers of the complainant's business to provide personal information to the Respondent.

Therefore, according to paragraph 4(b)(iv) of the Policy, the Panel concludes that the Respondent's registration and use of the Disputed Domain Name are in bad faith.

## **6. Decision**

For all of the foregoing reasons, the Panel decides that the domain name registered by Respondent is confusingly similar to the trademarks in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and that the Respondent's domain name has been registered and is being used in bad faith.

Accordingly, pursuant to Paragraph 4(i) of the Policy, the Panel orders that the registration of the domain name <crowndreloindia.com> be transferred to the Complainant.

A handwritten signature in black ink, consisting of a horizontal line with a small vertical tick on the left side, followed by a vertical line that crosses the horizontal line, and another horizontal line extending to the right.

Nathalie Dreyfus  
Sole Panelist

Dated: February 20<sup>th</sup>, 2024