



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

## ADMINISTRATIVE PANEL DECISION

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<b>Case No.</b>	<b>HK-2401863</b>
<b>Complainant:</b>	<b>Alibaba Group Holding Limited</b>
<b>Respondents:</b>	<b>ZZX zzx, 琨 Zhou, huo ti and 刘明</b>
<b>Disputed Domain Names:</b>	<b>&lt;aiishoping.com&gt;, &lt;aliglobalshopping.com&gt;, &lt;alishopingplaza.com&gt; and &lt;tao-1688.com&gt;</b>

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### 1. The Parties and the Contested Domain Names

The Complainant is Alibaba Group Holding Limited, of 4th Floor, One Capital Place, P.O. Box 847, Grand Cayman, Cayman Islands.

The Respondents are:

- ZZX zzx, of 新加坡, 马德里, Singapore, 皇后大道, HK, (the “First Respondent”);
- 琨 Zhou, of Xin Jia Po Shen Dun Lu 8Hao, An Cheng Da Sha 2Ceng You Bian 068811, Xin Jia Po Shen Dun Lu 8Hao An Cheng Da Sha, Xin Jia Po, SG (the “Second Respondent”);
- huo ti, of 80 SW 8th St Bayview, Suite 2000, Miami, FL 33130 美国, US (the “Third Respondent”); and
- 刘明, of 美国华盛顿, 华盛顿, 华盛顿州, US (the “Fourth Respondent”)

The disputed domain names <aiishoping.com>, <alishopingplaza.com> and <tao-1688.com> were registered by the First, Second and Fourth Respondents, respectively, with Dynadot Inc., of P.O. Box 345, San Mateo CA 94401, United States of America (“US”) (the “First Registrar”).

The disputed domain name <aliglobalshopping.com> was registered by the Third Respondent with GoDaddy.com, LLC, of 14455 North Hayden Rd, Suite 219, Scottsdale AZ 85260, US (the “Second Registrar”).

### 2. Procedural History

The Complaint was filed with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) on January 16, 2024. On January 16, 2024, the Centre confirmed receipt of the Complaint and transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain name. On January 17, 2024 and January 20, 2024, the Registrars transmitted by email to the Centre their verification

responses, confirming that the Respondents are listed as the registrants and providing the contact details.

The Centre provided the Complainant with the Respondents details on January 25, 2024. The Complainant submitted an Amended Complaint on January 30, 2024 providing arguments of common control.

On January 31, 2024, the Centre requested that formal deficiencies be corrected by the Complainant. On February 1, 2024 the Complainant replied to the Centre's request. On February 5, 2024 the Centre verified that the Complaint was in administrative compliance with the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") and the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") and formally notified the Respondents of the Complaint, and the proceedings commenced in accordance with the Rules, paragraphs 2 and 4. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2024. The Respondents did not submit any response. Accordingly, the Centre notified the Respondents default on February 27, 2024.

The Centre appointed Wilson Pinheiro Jabur as the sole panelist in this matter on February 27, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Centre to ensure compliance with the Rules, paragraph 7.

### **3. Factual background**

The Complainant was founded in China in 1999 as an e-commerce platform that has reached a total revenue of USD 39 billion for the year ended March 31, 2018 and presently also operates travel, tourism, data and cloud computing services as well as logistics data platforms. On September 19, 2014, the Complainant was officially listed on the New York Stock Exchange (NYSE: BABA).

The Complainant operates various businesses through its related and affiliated companies, including online business-to-business wholesale marketplaces, namely, [www.alibaba.com](http://www.alibaba.com) for global trade and [www.1688.com](http://www.1688.com) for domestic trade in China; as well as other online platforms such as the [Taobao.com](http://Taobao.com), [AliExpress.com](http://AliExpress.com), [1688.com](http://1688.com) and [Tmall.com](http://Tmall.com) marketplaces.

The Complainant is the owner of the following, amongst other, trademark registrations throughout the world:

- European Union trademark registration No. 009080029 for TAOBAO, registered on October 21, 2011, successively renewed, in classes 9, 16, 35, 38, 41 and 42;
- European Union trademark registration No. 008516486 for TAO, registered on February 22, 2010, successively renewed, in classes 9, 35, 38 and 42;
- United States of America trademark registration No. 6784386 for TAO, registered on July 12, 2022 in classes 9, 35, 38 and 42;
- European Union trademark registration No. 016958605 for 1688, registered on November 27, 2017 in classes 9 and 35;
- United States of America trademark registration No. 5766635 for 1688, registered on June 4, 2019. in classes 9 and 35;

- European Union trademark registration No. 004534319 for ALIBABA, registered on August 2, 2006, successively renewed, in classes 9, 35, 38 and 42;
- United States of America trademark registration No. 7064577 for ALI, registered on May 30, 2023 in classes 9, 16, 35, 36, 38, 41 and 42; and
- International trademark registration No. 1566244 for ALI, registered on August 25, 2020 in classes 9, 16, 35, 36, 38, 41 and 42.

The disputed domain name <aiishoping.com> was registered on September 14, 2023 and presently resolves to an online shop displaying the following message “Alibaba Global Shopping is an export cross-border e-commerce platform under Alibaba, start your shopping!”

The disputed domain name <aliglobalshopping.com> was registered on August 4, 2023 and presently resolves to an online shop displaying the following message “Alibaba cross-border e-commerce recruits merchants”.

The disputed domain name <alishopingplaza.com> was registered on September 8, 2023 and presently does not resolve to an active webpage.

The disputed domain name <tao-1688.com> was registered on August 7, 2023 and presently does not resolve to an active webpage.

#### 4. Parties' Contentions

##### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. Under the Complainant's view, the disputed domain names are under common control and their disputed should be consolidated in a single procedure given that all of the disputed domain names:
  - a. used to resolve to websites with similar content claiming to be “Ali Global Shopping” (Annex 3 to the Complaint);
  - b. were registered within a short period of time (between August and September 2023); and
  - c. have provided false or made-up contact details.
- ii. The Complainant asserts to have launched in 2003 the Taobao digital retail platform which became China's largest one; being “TAO” the short form of the Complainant's TAOBAO brand.
- iii. As to <1688.com>, launched in 1999, the Complainant claims that it is China's leading integrated domestic wholesale marketplace, having been ranked as the 68<sup>th</sup> most popular website in China by Similarweb.com.
- iv. Lastly, Alibaba.com is, according to the Complainant, China's largest integrated international online wholesale marketplace by revenue, counting with more than 40 million users from over 190 countries, being “ALI” the short form of the Complainant's ALIBABA brand, also used to form other Complainant's brands such as ALIEXPRESS, ALI YUN etc.
- v. The disputed domain names are confusingly similar to the Complainant's trademarks given that:



- a. the disputed domain name <aiishopping.com> is a purposeful misspelling of the Complainant's ALI trademark with the addition on the generic term "shopping";
  - b. the disputed domain names <aliglobalshopping.com> and <alishoppingplaza.com> reproduce the Complainant's ALI trademark with the addition on the generic terms "global", "shopping" and "plaza";
  - c. the disputed domain name <tao-1688.com> is a combination of the Complainant's TAO and 1688 trademarks, with the addition of a hyphen; and
  - d. the likelihood of confusion of the disputed domain names with the Complainant's trademarks is enhanced by the online shopping websites to which the disputed domain names resolve which claim to be the Complainant.
- vi. As to the Respondents' lack of rights or legitimate interests, the Complainant contends that:
    - a. the Respondents are not commonly known by the disputed domain names;
    - b. the Complainant has not licensed, authorized, or permitted Respondents to register domain names incorporating the Complainant's trademarks;
    - c. the Respondents used privacy protection services to conceal their true identities; and
    - d. the Respondents are not making a bona fide offering of goods or services or a legitimate noncommercial fair use of the disputed domain names, rather seeking to pass off as the Complainant.
  - vii. In what it relates to the registration and use of the disputed domain name in bad faith, the Complainant asserts that the Respondents' knowledge of the Complainant's well-known trademarks is evident given the impersonation of the Complainant in the websites that used to be available at the disputed domain names, having, thus, the Respondent attempted to profit from the confusion created.
  - viii. Furthermore, the present passive holding of the disputed domain name further corroborates a finding of bad faith registration and use pursuant to Policy ¶ 4(a)(iii) (See *Telstra Corp. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000) and the Respondents have sought to conceal their true identities by retaining privacy protection services and providing false contact details.

**B. Respondents**

The Respondents did not reply to the Complainant's contentions.

**5. Findings**

**5.1. Procedural Matter – Consolidation of Multiple Respondents**

The Complainant requests that this Panel accept the Respondents in a single proceeding in view of the facts enumerated at the section 4.A. above.

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") establishes that "[w]here a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be

fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario”.

All of the aforementioned criteria are present in this case and therefore this Panel accepts such request considering that it would be more procedurally efficient to have all of the disputed domain names dealt with at the same procedure, given that: (a) all of the disputed domain names previously resolved to similar websites with the same contents intended to impersonate the Complainant; (b) two of the disputed domain names presently still resolve to those active websites; (c) three of the four the disputed domain names have been registered with the First Registrar; (d) within a short period of time (between August 2023 and September 2023); (e) three of the disputed domain names share a similar naming pattern; and (f) all of the disputed domain names were registered using privacy protection services also providing false or made-up contact details once the shields were removed.

This Panel is satisfied, in view of the evidence submitted and on the balance of probabilities that the disputed domain names are indeed subject to a common control and that consolidation would be fair and equitable to all Parties.

## **5.2. Substantive Matter**

Paragraph 4(a) of the ICANN Uniform Domain Name Dispute Resolution Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

- i. the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- ii. the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- iii. the disputed domain names have been registered and are being used in bad faith.

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

In accordance with paragraph 14(a) of the Rules, if the Respondents do not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

### **A) Identical / Confusingly Similar**

The Complainant has established rights over the ALI, ALIBABA, TAobao, TAO and 1688 trademarks, registered in various jurisdictions.

The Panel finds that the Complainant’s marks are recognizable within the disputed domain names and are therefore confusingly similar under the Policy which, as recognized by past UDRP panels, involves a “side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name” (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 1.7).

Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy.

While the addition of a hyphen and the generic terms “shopping”, “global” and “plaza”, and the replacement of the letter “l” for an “i”, may bear assessment of the second and third elements, the Panel finds the addition of such terms and the misspelling of the Complainant’s well-known trademark do not prevent a finding of confusing similarity between the disputed domain names and the marks for the purposes of the Policy (WIPO Overview 3.0, section 1.8).

For the reasons above, the Panel finds that the disputed domain names are confusingly similar to the Complainant’s trademarks.

## **B) Rights and Legitimate Interests**

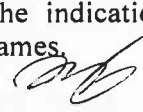
Paragraph 4(c) of the Policy provides a nonexclusive list of circumstances that may indicate the Respondents’ rights or legitimate interests in the disputed domain names. These circumstances are:

- i. before any notice of the dispute, the Respondents’ use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or services; or
- ii. the Respondents (as individuals, businesses, or other organizations) have been commonly known by the disputed domain names, in spite of not having acquired trademark or service mark rights; or
- iii. the Respondents are making legitimate noncommercial or fair uses of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondents, in not responding to the Complaint, have failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests in the disputed domain names. This entitles the Panel to draw any inferences from such default, as it considers appropriate, pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make at least a *prima facie* case against the Respondents under the second UDRP element.

In that sense, and according to the evidence submitted, the Complainant has made a *prima facie* case against the Respondents whom are not sponsored by or affiliated with the Complainant in any way, not having the Complainant given the Respondents permission to use the Complainant’s trademarks in any manner, including in domain names.

Also, the lack of evidence as to any trademarks registered by the Respondents corresponding to the disputed domain names, corroborates the indication of an absence of rights or legitimate interests in the disputed domain names.



Moreover, according to the evidence submitted by the Complainant, the use made of the disputed domain names in connection with active webpages impersonating the Complainant, clearly does not constitute a *bona fide* offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names in these circumstances.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondents do not have rights or legitimate interests with respect to the disputed domain names.

### C) Bad Faith

The Policy indicates in paragraph 4(b)(iv) that bad faith registration and use can be found in respect of a disputed domain name, where a 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 a complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

In this case, both the registration and use of the disputed domain names in bad faith can be found pursuant to Policy, paragraph 4(b)(iv), in view of the impersonation of the Complainant at the webpages that used to be available at the disputed domain names, which creates a likelihood of confusion with the Complainant's trademarks and take unfair advantage of the Complainant's trademarks for commercial gain.

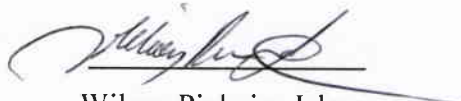
Moreover, in these circumstances, bad faith of the Respondents is also supported here by:

- i. the choice to retain privacy protection services in an attempt to conceal the Respondent's true identity;
- ii. the indication of what appear to be false or made-up contact details;
- iii. the lack of reply by the Respondents invoking any rights or legitimate interests; and
- iv. the present passive holding of two of the disputed domain names (which given the reputation of the Complainant's trademark and composition of the disputed domain names is reinforced here).

For the reasons above, the Panel finds that the Respondents have registered and are using the disputed domain names in bad faith pursuant to paragraph 4(b)(iv) of the Policy. The third element of the Policy has therefore been met.

### 6. Decision

The Panel finds that the Complainant has satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain names <aiishoping.com>, <aliglobalshopping.com>, <alishopingplaza.com> and <tao-1688.com> be transferred to the Complainant.



Wilson Pinheiro Jabur  
Panelist

Dated: March 6, 2024