

## ADMINISTRATIVE PANEL DECISION

Anker Innovations Limited v. Barbara Nagel, Juan Allman, Holm Fanny, Julius Sandstrom, Gottfrid Sandstrom, Faerber Lukas, Lukas Faerber, Jung Gabrielle, Gabrielle Jung, Felix Dresn, Katrin Freud, Frank Reinhardt, Niklas Schwarz, Patrick Reinhardt, Max Eberhardt, Mario Zimmerman, Erik Bosch  
Case No. D2024-3375

### 1. The Parties

The Complainant is Anker Innovations Limited, Hong Kong, China, represented by Boehmert & Boehmert, Germany.

The Respondents are Barbara Nagel, Germany; Juan Allman, Canada; Holm Fanny, France; Julius Sandstrom, France; Gottfrid Sandstrom, France; Faerber Lukas, Lukas Faerber, Germany; Jung Gabrielle, Gabrielle Jung, Germany; Felix Dresn, France; Katrin Freud, Germany; Frank Reinhardt, Germany; Niklas Schwarz, Germany; Patrick Reinhardt, Germany; Max Eberhardt, Germany; Mario Zimmerman, Germany; and Erik Bosch, Germany.

### 2. The Domain Names and Registrars

The disputed domain names <ankersverige.com> and <ankeritalia.com> are registered with Dynadot Inc.

The disputed domain names <ankerireland.com>, <ankersouthafrica.com>, <soundcoreksa.com>, and <soundcore-india.com> are registered with 1API GmbH.

The disputed domain names <ankerespana.com> and <ankercz.com> are registered with CNOBIN Information Technology Limited.

The disputed domain names <ankerisrael.com>, <ankerromania.com>, <ankernorge.com>, <ankerdanmark.com>, and <ankerhrvatska.com> are registered with Gransy, s.r.o. d/b/a subreg.cz.

The disputed domain name <ankersuomi.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu.

The disputed domain names <ankergreece.com>, <ankerslovenija.com>, <ankerturkey.com>, <soundcoreisrael.com>, <soundcoresouthafrica.com> are registered with Key-Systems GmbH.

The disputed domain names <ankersaudiarabia.com>, and <ankerpolska.com> are registered with NameSilo, LLC.

The disputed domain names <ankerbelgie.com>, <ankerdeutschland.com>, <ankerportugal.com>, and <ankerslovensko.com> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (together the "Registrars").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 15, 2024. On August 16, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On August 20, and 21, 2024, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Super Privacy Service LTD c/o Dynadot, Domain Administrator PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on August 22, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate Complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on August 23, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondents of the Complaint, and the proceedings commenced on August 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2024. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on September 18, 2024.

The Center appointed Luca Barbero as the sole panelist in this matter on September 23, 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 Center to ensure compliance with the Rules, paragraph 7.

### **4. Factual Background**

The ANKER brand was founded in 2011 by Steven Yang and quickly established as a leading mobile charging brand.

Today, the Complainant is a global leader in charging technology and a developer of consumer products that support premium audio, home entertainment, home security, robotic appliances, and the emerging smart home space, offered under its sub-brands EUFY, SOUNDCORE, and NEBULA.

The Complainant is the owner of numerous trademark registrations for ANKER and SOUNDCORE, including the following, as per printouts from the official trademark databases submitted as annexes to the Complaint:

- European Union Trade Mark No. 010358406 for ANKER (word mark), filed on October 21, 2011, and registered on April 26, 2012, in classes 7, 9 and 35;

- European Union Trade Mark No. 015812101 for ANKER (word mark), filed on September 6, 2016, and registered on February 16, 2017, in classes 7, 8, 9 and 11;
- European Union Trade Mark No. 018215355 for ANKER (word mark), filed on March 25, 2020 and registered on January 12, 2023 in classes 3, 6, 7, 8, 9, 10, 11, 14, 16, 21, 28 and 38;
- European Union Trade Mark registration No. 016662355 for ANKER (figurative mark), filed on April 28, 2017, and registered on October 11, 2017, in class 9;
- European Union Trade Mark registration No. 015223712 for SOUNDCORE (word mark), filed on March 16, 2016, and registered on August 12, 2016, in class 9; and
- Indian trademark registration No. 3811425 for SOUNDCORE (figurative mark), registered on April 19, 2018, in class 9.

The Complainant is also the owner of the domain names <anker.com>, registered on May 27, 1996, and <soundcore.com> registered on May 17, 2001, both used by the Complainant to promote its products respectively under the trademarks ANKER and SOUNDCORE.

According to the screenshots submitted by the Complainant – which have not been contested by the Respondents – the disputed domain names: <ankersaudi Arabia.com> registered on June 22, 2024; <ankerdeutschland.com>, <ankerisrael.com>, <ankerireland.com> and <ankersouthafrica.com>, registered on June 24, 2024; <ankerbelgie.com>, <ankerespana.com>, <ankeritalia.com>, <ankernorge.com> and <ankerdanmark.com>, registered on June 25, 2024; <ankersverige.com>, <ankercz.com>, <ankergreece.com>, <ankerromania.com>, <ankerportugal.com>, <ankerslovenija.com>, <ankerslovensko.com>, <ankerturkey.com>, <ankerpolska.com> and <ankersuomi.com>, registered on June 26, 2024, prior to the present proceeding, all resolved to websites featuring the ANKER marks and offering purported ANKER products for sale, publishing images taken from the Complainant’s website “www.anker.com” and imitating the related design and structure.

The disputed domain names <soundcoreisrael.com>, <soundcoresouthafrica.com>, <soundcoreksa.com> and <soundcore-india.com>, registered on July 1, 2024, prior to the present proceeding, were all redirected to websites featuring the SOUNDCORE marks and offering purported SOUNDCORE products for sale, displaying images taken from the Complainant’s website “www.soundcore.com” and reproducing the related design and structure.

The disputed domain name <ankerhrvatska.com> was registered on June 26, 2024, and does not resolve to an active website. Based on the Complainant’s submissions, the websites previously connected with the disputed domain names <ankerhrvatska.com>, <ankersouthafrica.com>, <ankernorge.com> and <ankerdanmark.com> have been disconnected after the Complainant’s filing of a complaint with the host provider of the correspondent websites.

At the time of the drafting of this Decision, the disputed domain names <ankerdanmark.com>, <ankerespana.com>, <ankerhrvatska.com>, <ankerireland.com>, <ankernorge.com>, <ankerpolska.com> <ankersaudi Arabia.com>, <ankersouthafrica.com>, and <soundcore-india.com> do not resolve to active websites, while the disputed domain name <ankersuomi.com> redirects to a parking page with pay-per-click links. The other disputed domain names <ankersverige.com>, <ankerdeutschland.com>, <ankerisrael.com>, <ankerbelgie.com>, <ankeritalia.com>, <ankercz.com>, <ankergreece.com>, <ankerromania.com>, <ankerportugal.com>, <ankerslovenija.com>, <ankerslovensko.com>, <ankerturkey.com>, <ankersouthafrica.com>, <soundcoreisrael.com>, and <soundcoreksa.com>, are still resolving to active websites with the contents described above, which can be accessed only from IP addresses within the country targeted by the respective online shop.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the trademarks ANKER and SOUNDCORE in which the Complainant has rights as they reproduce the trademarks in their entirety with the mere addition of the geographic names of the countries that the corresponding online shops are targeting and the generic Top-Level Domain ("gTLD") ".com".

The Complainant states that the Respondents have no rights or legitimate interests in respect of the disputed domain names because i) the Complainant has not licensed or otherwise permitted the Respondents to use any of its trademarks or to register domain names incorporating its ANKER or SOUNDCORE trademarks; ii) the Respondents clearly intended to obtain an unfair commercial gain, with a view to misleadingly divert consumers and tarnish the trademarks owned by the Complainant; iii) the Respondents are not authorized distributors or resellers of ANKER or SOUNDCORE products; and iv) the Respondents have not used the disputed domain names in connection with a bona fide offering of goods or services as they have not met the requirements set forth in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#) ("Oki data") considering the disputed domain names in themselves suggest an affiliation with the Complainant and its trademarks, and the Respondents have prominently used the Complainant's trademarks and copyrighted images without authorization whilst failing to disclose their lack of relationship with the Complainant on the websites corresponding to the disputed domain names.

With reference to the circumstances evidencing bad faith, the Complainant submits that, considering the composition of the disputed domain names and the contents published on the corresponding websites, the Respondents were well aware of the Complainant's trademarks when registering the disputed domain names.

The Complainant states that the Respondents registered and used the disputed domain names with the intent of attracting, for commercial gain, Internet users to their websites by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of their websites.

The Complainant also underlines that the Respondents not only chose to reproduce the Complainant's ANKER and SOUNDCORE trademarks in the disputed domain names as well as in the names of the online shops provided thereunder, but also published the Complainant's copyrighted images without authorization while at the same time claiming copyright in said material. The Complainant submits that this presumed affiliation with the Complainant is used for operating fake online shops under the disputed domain names designed to trick internet users into believing that the shops are official, trustworthy shops run by the Complainant.

Lastly, the Complainant contends that even the fact that the Respondents were using privacy protection services to hide their true identity is in itself a bad faith indicator.

### **B. Respondents**

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

## 6. Discussion and Findings

### 6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- i) the disputed domain names follow the same naming scheme, reproducing the trademarks ANKER or SOUNDCORE, followed by geographical terms referring to country names;
- ii) according to the evidence submitted by the Complainant – which has not been challenged by the Respondents – 24 of the 25 disputed domain names have been redirected to active websites almost identically designed and structured, all featuring the Complainant's trademarks and publishing images taken from the Complainant's official websites and offering purported ANKER and SOUNDCORE products for sale; the remaining disputed domain name <ankerhrvatska.com>, for which a screenshot showing active use could not be found in the Complaint and its Annexes, has been registered in the name of the same registrant as <ankerromania.com>;
- iii) the disputed domain names have all been registered within a period of three to seven days;
- iv) some of the disputed domain names share the same registrar;
- v) most of the websites to which the disputed domain names resolve, or resolved, have used a geotargeting script to make the websites accessible only from IP addresses within the country targeted by the respective online shop.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Considering the circumstances of the case, the Panel therefore decides to consolidate the disputes regarding the nominally different disputed domain name registrants (hereinafter, "the Respondents") in a single proceeding.

### 6.2. Substantive Issues

#### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Indeed, the Complainant has provided evidence of ownership of several valid trademark registrations for ANKER and SOUNDCORE.

The entirety of the ANKER or SOUNDCORE marks are reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of additional terms, namely, the geographical terms “belgie”, “danmark”, “deutschland”, “espana”, “hrvatska”, “india”, “italia”, “israel”, “ireland”, “greece”, “norge”, “polska”, “portugal”, “romania”, “slovenija”, “slovensko”, “sverige”, “turkey”, “saudiarabia”, “southafrica”, and “suomi”, and the acronyms “cz” and “ksa” (referrable to Czech Republic and the Kingdom of Saudi Arabia), may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

In addition, the gTLD “.com” can be disregarded under the first element confusing similarity test, being a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondents may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondents lack rights or legitimate interests in the disputed domain names. The Respondents have not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

The Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondents and the Complainant. The Respondents are not licensees of the Complainant, nor have the Respondents otherwise obtained an authorization to use the Complainant’s trademarks.

Moreover, there is no element from which the Panel could infer the Respondents’ rights over the disputed domain names, or that the Respondents might be commonly known by the disputed domain names.

As mentioned above, 24 of the disputed domain names were pointed prior to the present proceeding, and most of them still currently resolve, to websites structured and designed like the Complainant’s official websites, featuring the Complainant’s ANKER or SOUNDCORE marks and the Complainant’s official images, and offering purported ANKER or SOUNDCORE products for sale. In view of the contents of the Respondents’ websites, the lack of information about their operator as well as the absence a disclaimer of non-affiliation with the Complainant, the Panel finds that such use does not meet the Oki data requirements

for a reseller or distributor to be making a bona fide offering of goods or services under a domain name corresponding to the complainant's trademark. Indeed, the Respondents have failed to accurately and prominently disclose their lack of relationship with the trademark holder and the contents of the websites appear to be designed to generate the impression that they are operated by the Complainant or one of its affiliated entities.

Thus, in view of the above-described use of the disputed domain names, the Panel finds that the Respondents have not used the disputed domain names in connection with a bona fide offering of goods or services or a legitimate non-commercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

The disputed domain name <ankersuomi.com>, previously redirected to an active website featuring the Complainant's ANKER trademarks and images as described above, currently resolves to a parking page with pay-per-click links unrelated to the Complainant's trademark. Panels have recognized that the use of a domain name to host a page comprising pay-per-click links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. Such use would be, instead, permissible where the domain name consists of an actual dictionary word or phrase and is used to host pay-per-click links genuinely related to the dictionary meaning of the word or phrase comprising the domain name, and not to trade off the complainant's trademark. [WIPO Overview 3.0](#), section 2.9. Considering the distinctiveness of the Complainant's trademark encompassed in the disputed domain name, the Panel finds that the Respondents' use of the disputed domain name does not amount to a bona fide offering of goods or services or a legitimate non-commercial or fair use as the selection of the disputed domain name as well as the prior use of the disputed domain name made by the Respondents suggest that they intended to trade off the Complainant's trademark to attract users to their website for commercial gain.

The Complainant states that the disputed domain name <ankerhrvatska.com> is not directed to an active website. The Panel shares the view held in *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#), where it was found that "Absent some contrary evidence from Respondent", passive holding of a Domain Name does not constitute "legitimate noncommercial or fair use".

Moreover, the disputed domain names, combining the Complainant's trademarks ANKER or SOUNDCORE with the geographical terms mentioned above, are inherently misleading. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

Therefore, the Panel finds the second element of the Policy has been established as well.

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

As to bad faith at the time of the registration, in view of i) the prior registration and use of the ANKER and SOUNDCORE marks by the Complainant, including online on the Complainant's websites "www.anker.com" and "www.soundcare.com", ii) the composition of the disputed domain names, encompassing the ANKER and SOUNDCORE marks in combination with geographical terms, and iii) the contents of the websites to which almost all the disputed domain names resolved, reproducing the Complainant's trademarks and official images and imitating the design and structure of the Complainant's websites, the Panel finds that the Respondents were clearly aware of the Complainant and registered the disputed domain names to target the Complainant and its trademarks.

In view of the redirection of most of the disputed domain names to websites reproducing without authorization the Complainant's trademarks and offering purported ANKER or SOUNDCORE products for sale, using official images taken from the Complainant's website and failing to disclose the lack of affiliation with the Complainant, the Panel finds that the Respondents intentionally attempted to attract Internet users to their websites, for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of their websites and the services provided therein, according to paragraph 4(b)(iv) of the Policy.

The disputed domain name <ankerhrvatska.com> does not resolve to an active website. Panels have found that the non-use of a domain name would also not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's trademarks, the composition of the disputed domain name and the Respondents' failure to submit a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel further notes that the registration of the 25 disputed domain names using different privacy or proxy services and apparently false or incomplete registrant contact information, and the use of geotargeting script for most of the websites to limit access to the websites from IP addresses within the country targeted by the respective online shop, suggest that the Respondents attempted to avoid being identified and prosecuted for the activities carried out through the disputed domain names, a circumstance which further supports a finding of bad faith.

Therefore, the Panel finds that the Complainant has also established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain names <ankerbelgie.com>, <ankercz.com>, <ankerdenmark.com>, <ankerdeutschland.com>, <ankerespana.com>, <ankergreece.com>, <ankerhrvatska.com>, <ankerireland.com>, <ankerisrael.com>, <ankeritalia.com>, <ankernorge.com>, <ankerpolska.com>, <ankerportugal.com>, <ankerromania.com>, <ankersaudiarabia.com>, <ankerslovenija.com>, <ankerslovensko.com>, <ankersouthafrica.com>, <ankersuomi.com>, <ankersverige.com>, <ankerturkey.com>, <soundcore-india.com>, <soundcoreisrael.com>, <soundcoreksa.com>, and <soundcoresouthafrica.com> be transferred to the Complainant.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: October 7, 2024