

ADMINISTRATIVE PANEL DECISION

Linhope International Limited and Original Beauty Technology Company Limited v. Whoistrustee.com Limited / Blue Face, and Chen Jianqing Chen; Pending Renewal Deletion; Domains By Proxy LLC / Chenjianqing Chen; Mr. Chen; Jianqing Limited; and Heba, Xiamen Heba Brand Management Co., Ltd.
Case No. D2022-0811

1. The Parties

Complainants are Linhope International Limited, Hong Kong, China (“First Complainant”) and Original Beauty Technology Company Limited, Hong Kong, China (“Second Complainant”), represented by Mono Law Limited, United Kingdom.

Respondents are Whoistrustee.com Limited, United Kingdom / Blue Face, United States of America (“USA” or “United States”) (“First Respondent”), and Chen Jianqing Chen, China (“Third Respondent”); Pending Renewal Deletion, British Virgin Islands (“Second Respondent”); Domains By Proxy LLC, USA / Chenjianqing Chen, Hong Kong, China; Mr. Chen, Hong Kong, China; Jianqing Limited, United Kingdom (“Fourth Respondent”); and Heba, Xiamen Heba Brand Management Co., Ltd., China (“Fifth Respondent”).

2. The Domain Names and Registrars

The disputed domain name <cbdiscountdress.com> is registered with GoDaddy.com, LLC; the disputed domain names <cbsstyles.com>, <cbstyleonline.com>, <houseofcbnewin.com>, <houseofcbsexydresses.com>, and <styleofcb.com> are registered with 1API GmbH; and the disputed domain name <houseofcb.store> (the “Domain Names”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 7, 2022. On March 9, 2022, the Center transmitted by email to the Registrars each a request for registrar verification in connection with the Domain Names. On March 10, 2022, the Registrars respectively transmitted by email to the Center their verification responses disclosing registrants and contact information for the Domain Names which differed from the named Respondents and contact information in the Complaint. The Center sent an email communication to the Complainants on March 14, 2022 providing the registrant and contact information disclosed by the Registrars, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on March 16, 2022.

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 Respondents of the Complaint, and the proceedings commenced on March 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was April 19, 2022. Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on April 25, 2022. On April 26, 2022, the Center received several email communications from the Respondents and the Complainants.

The Center appointed Marina Perraki as the sole panelist in this matter on May 3, 2022. 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. Procedural issues:

A. Consolidation of multiple Respondents

The Panel has considered the possible consolidation of the Complaint for the Domain Names. According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2, “Where 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”.

The Panel notes the following features of the Domain Names and arguments submitted by Complainants in favor of the consolidation of the Domain Names:

A) Recorded Registrants

The registrant of the first three Domain Names, namely: 1. <cbstyleonline.com>, 2. <cbsstyles.com >, 3. <houseofcbsexydresses.com> is First Respondent, Blue Face.

The registrant of the fourth Domain Name, namely: 4. <houseofcbnewin.com> is Second Respondent, Pending Renewal Deletion.

The registrant of the fifth and sixth Domain Names, namely: 5. <cbdiscountdress.com>, 6. <styleofcb.com> is Third Respondent, Chen Jianqing.¹

The registrant of the seventh Domain Name, 7. <houseofcb.store> is Fifth Respondent, heba, Xiamen Heba Brand Management Co., Ltd..

According to the evidence provided by the Complainant, Third Respondent is the sole director and shareholder of Fourth Respondent.

¹ The Panel believes that the registrants disclosed by the Registrars for the Domain Names <styleofcb.com> and <cbdiscountdress.com> are “chen jianqing chen” and “chenjianqing chen”, respectively, which according to the customary spelling of Chinese names, consist of the same family name “Chen” and first name “Jianqing”, in fact referring to the same person. Therefore, hereinafter the Panel will use “Chen Jianqing”, “chen jianqing chen”, and “chenjianqing chen” interchangeably, depending on the circumstance.

B) Past cases and searches on Respondents

Complainants infer that First Respondent is neither an actual person nor an entity. An Internet search conducted on July 20, 2020 revealed that the address provided of Culver City, California USA is that of a branch of Starbucks. As follows from below, Complainants can reasonably infer that, if First Respondent is an actual entity, it is acting on behalf of Third Respondent.

Complainants invoke past UDRP cases with similar domain names involving Respondents. As they demonstrated, First Respondent was also the registrant of the domain names <cbsexydresses.com> and <cbdresslondon.com> in *Linhope International Limited, Original Beauty Technology Company Limited v. Domains by Proxy, LLC, Blue Face, Chen jiangqing, chenjianqing chen and Lyonn Smith*, WIPO Case No. [D2020-1775](#).

In that case, chenjianqing chen was the registrant of the domain names <houseofcbclothing.com>, registered on December 4, 2019, and <cbdresses.com>, registered on December 23, 2019; Chen jiangqing was the registrant of the domain name <houseofcblondon.com>, registered on November 4, 2019; and Blue Face was the registrant of the domain names <cbsexydresses.com>, registered on February 29, 2020, and <cbdresslondon.com>, registered on March 18, 2020.

On December 11, 2019, Complainants carried out a Whois search for the domain name <houseofcbclothing.com>. Per that search, the recorded registrant was Third Respondent “Chenjianqing chen”.

On June 9, 2020, visitors to the website under the domain name <houseofcbclothing.com> were automatically redirected to a website under the domain name <cbsexydress.com>. Per WIPO Case No. [D2020-1775](#), *supra*, these domain names, were under the common control of the same party.

Per *Linhope International Limited, Original Beauty Technology Company Limited v. c/o WHOISt trustee.com Limited / Mark Lewis; Blue Face; Mr Chen / Chen Jianqing aka Jianqing Chen, Chen Jianqing Chen, Chenjianqing Chen and Chen Jiangqing, Jianqing Limited*, WIPO Case No. [D2021-0405](#), First Respondent was the registrant of another domain name, <houseofcbdiscount.com>. The respondents in that complaint were Mark Lewis, Blue Face, Chen Jianqing, and Jianqing Limited. It was accepted in that decision that the domain names which were the subject of that complaint were under common control and being used for a common purpose.

The website under the domain name <houseofcbdiscount.com> was similar to other websites owned and/or operated by Third Respondent, under the domain names <houseofcbdresses.com>, <houseofcbclothing.com>, <houseofcblondon.com>, <cbdresses.com>, <cbsexydresses.com> and <cbdresslondon.com>, which were the subject of WIPO Case No. [D2020-1775](#), *supra*.

C) Similarity of websites

The Domain Names <cbstyleonline.com> and <cbstyles.com> lead to the websites at “www.cbstyleonline.com” and “www.cbstyles.com” which display multiple images copied from Second Complainant’s website “www.houseofcb.com” advertising for sale identical copies of Second Complainant’s goods often using the latter’s product names and descriptions.

The email address displayed on “www.cbstyleonline.com” and “www.cbstyles.com” is also displayed on the websites under the Domain Names <houseofcbsexydresses.com> and <houseofcbnewin.com>.

The websites under the Domain Names “www.cbstyleonline.com” and “www.cbstyles.com” are similar to websites owned and/or operated by the Third and Fourth Respondents, under the domain names <houseofcbdresses.com>, <houseofcbclothing.com>, <houseofcblondon.com>, <cbdresses.com>, <cbsexydresses.com>, and <cbdresslondon.com>, which were the subject of WIPO Case No. [D2020-1775](#).

The websites “www.cbstyleonline.com” and “www.cbsstyles.com” are similar to the websites under the domain names <cbdresscanada.com>, <houseofcbus.com>, <houseofcbaustralia.com>, <houseofcbcanada.com>, <houseofcbfrance.com>, and <thehouseofcb.com>, which were operated under common control per *Linhope International Limited, Original Beauty Technology Company Limited v. Privacy Protect LLC / heba, Xiamen Heba Brand Management Co., Ltd.; Whoistrustee.com Limited / Blue Face; Domains By Proxy LLC / Chen Jiangqing, JIANQING LTD. / Mr. Chen*, WIPO Case No. [D2020-3481](#). The respondents in that case were First Respondent, Third Respondent, Fourth Respondent, and Fifth Respondent in the present case.

The websites “www.cbstyleonline.com” and “www.cbsstyles.com” are similar to the websites owned and/or operated by Third and/or Fourth Respondents under the domain names <houseofcb.net> and <houseofcbdiscount.com>, which were owned and/or operated by the Third and/or Fourth Respondents which were the subject of WIPO Case No. [D2021-0405](#).

The websites “www.cbstyleonline.com” and “www.cbsstyles.com” are also similar to the websites owned and/or operated by Third and/or Fourth Respondents under the domain names <cbdressess.co.uk>, <houseofcbclothing.co.uk> and <houseofcbdressess.co.uk>, which were the subject of complaints made to Nominet, the official registry for United Kingdom domain names.

The Domain Names <houseofcbsexydressess.com>, <styleofcb.com>, and <houseofcbnewin.com> lead to websites which display almost identical terms and conditions as the website under the Domain Name <cbstyleonline.com>.

The address displayed on the Shipping Pages of the website under the Domain Names <houseofcbsexydressess.com> and <houseofcbnewin.com>, was per Complainants the registered office of Third Respondent until October 21, 2021 when it was changed to its current address.

The website under the Domain Name <houseofcbsexydressess.com> displays multiple images copied from Second Complainant’s website “www.houseofcb.com” advertising for sale identical copies of the goods offered for sale by the latter often using the latter’s product names.

The terms and conditions displayed on “www.houseofcbnewin.com” state that the site is operated by the “houseofcbsexydressess.com” team.

The website “www.styleofcb.com” displays and advertises multiple copies of Second Complainant’s product images of second Complainant’s garments which have been copied from Second Complainant’s website “www.houseofcb.com”, as well as the descriptions of the garments advertised for sale which have been copied from this website.

The website “www.styleofcb.com” rather than copying the Second Complainants images of its garments worn by models as in the websites “cbstyleonline.com” and “cbsstyles.com”, displays new images that have been created of identical garments worn by similar looking models in similar poses. A similar pattern was used by the Third and Fourth Respondents in respect of their website “www.houseofcbdiscount.com” which was the subject of WIPO Case No. [D2021-0405](#).

The websites “www.houseofcbsexydressess.com” and “www.houseofcbnewin.com” display multiple images copied from Second Complainant’s website “www.houseofcb.com” advertising for sale identical copies of the goods offered for sale by the latter often using the latter’s product names.

One of the models appearing in the images on the website “www.houseofcbdiscount.com” also appears in the images of the website “www.styleofcb.com”.

In view of the above it follows that the websites under the Domain Names <houseofcbsexydressess.com>, <cbstyle.com> and <houseofcbnewin.com> are also operated by the Third and Fourth Respondents.

The Domain Name <houseofcb.store> leads to a website “www.houseofcb.store” which is similar to the websites under the domain names <cbdresscanada.com>, <houseofcbus.com>, <houseofcbaustralia.com>, <houseofcbcanada.com>, <houseofcbfrance.com>, and <thehouseofcb.com> which were found to be under common control in WIPO Case No. [D2020-3481](#).

Per Complainants, Fifth Respondent was the registrant of the domains names <houseofcbaustralia.com>, <houseofcbcanada.com>, and <houseofcbfrance.com>, which were the subject of WIPO Case No. [D2020-3841](#), where it was found that these were being exercised under common control for a common purpose.

The website “www.houseofcb.store” displays multiple images copied from Second Complainant’s website “www.houseofcb.com” advertising for sale identical copies of the goods offered for sale by the latter. It also displays identical terms and conditions to the website “www.cbstyleonline.com”.

The Domain Name <cbdiscountdress.com> leads to a website which displays the words “house of cb” at the top of each web page. The website displays multiple images copied from the Second Complainant’s website at “www.houseofcb.com” advertising for sale identical copies of the goods offered for sale by Second Complainant often using its product names and descriptions. The email address displayed on the website is the same of that on the websites “www.cbstyleonline.com” and “www.cbsstyles.com”. The same returns policy is displayed on “www.houseofcbdiscountdress.com” as on “www.houseofcbsexydresses.com”.

D) Nature of the Domain Names

All of the Domain Names include the letters “cb” and some of them the words “houseofcb”.

E) Registrars

As stated in section 2 above, the Domain Names were registered with the following Registrars:

<cbdiscountdress.com> with GoDaddy.com, LLC; <cbsstyles.com>, <cbstyleonline.com>, <houseofcbnewin.com>, <houseofcbsexydresses.com>, and <styleofcb.com> with 1API GmbH; and <houseofcb.store> with PDR Ltd. d/b/a PublicDomainRegistry.com.

In view of all the above, the Panel finds that the consolidation of the Domain Names is fair to the Parties, and Respondents have been given an opportunity to object to consolidation through the submission of pleadings to the Complaint (if indeed there is more than one Respondent for these Domain Names), but have chosen not to rebut the consolidation (see [WIPO Overview 3.0](#), sections 4.11.1 and 4.11.2; *Virgin Enterprises Limited v. LINYANXIAO aka lin yanxiao*, WIPO Case No. [D2016-2302](#)). Based on the Complaint, the Panel finds that it is more likely than not that the Domain Names are in common control of one entity; hence, the Panel grants the consolidation for the Domain Names (and will refer to these Respondents as “Respondent”).

B. Supplemental filings

The due date for the Response was April 19, 2022. Respondent did not submit any response. On April 26, 2022, the Center received several email communications from the Respondent and the Complainants.

Neither the Rules nor the Supplemental Rules make provision for supplemental filings, except at the request of the UDRP panel (see Rules, paragraph 12). Paragraph 10 of the Rules enjoins the UDRP panel to conduct the proceeding “with due expedition”. Therefore, UDRP panels are typically reluctant to countenance delay through additional rounds of pleading and normally accept supplemental filings only to consider material new evidence or provide a fair opportunity to respond to arguments that could not reasonably have been anticipated ([WIPO Overview 3.0](#), section 4.6).

As regards Respondent's belated filing and evidence, this aims at rebutting the Complainants' arguments included in the Complaint. The Panel notes, that all trademarks invoked in the belated filing of Respondent are posterior to the trademarks invoked in the Complaint and therefore would not change the outcome of the case.

The Panel notes that Complainants' supplemental filing addresses Respondent's arguments and evidence submitted in its belated filing, which arguably could not have been anticipated by Complainant at the time of the submission of its Complaint. In this case, after consideration of Complainants' supplemental submissions the Panel has decided to accept them for the sake of completeness, also noting that to some extent they address topics that Complainants could have addressed in its Complaint, and considering the matters raised in the belated filing of Respondent (*Delikommat Betriebsverpflegung Gesellschaft m.b.H. v. Alexander Lehner*, WIPO Case No. [D2001-1447](#); *AutoNation Holding Corp. v. Rabea Alawneh*, WIPO Case No. [D2002-0058](#); and *Avaya Inc. v. Ali Parsa / Ali Parsa, AVAYeRASA / Ali Parsa Koosha*, WIPO Case No. [D2018-1472](#)).

5. Factual Background

Per Complaint, First Complainant is a company registered in Hong Kong, China. Second Complainant, also registered in Hong Kong, China, has manufactured and marketed luxury womenswear under the brand HOUSE OF CB since 2014.

First Complainant is the registered owner of:

- (a) United Kingdom trademark registration No. 3068906, HOUSE OF CB / houseofcb / house of cb, registered as a series mark, filed on August 16, 2014 and registered on January 2, 2015, for goods in international classes 3, 9, 14, 18, and 25;
- (b) Chinese trademark registrations Nos. 14802543 and 35653958, HOUSE OF CB, registered on January 14, 2018 and August 21, 2019, for goods in international classes 18 and 25, respectively; and

First Complainant's wholly owned subsidiary, Linhope International (UK) Limited, is the registered owner of:

- (c) European Union trademark registration No. 018232169, HOUSE OF CB, filed on April 28, 2020 and registered on August 25, 2020, for goods in international classes 3, 9, 14, 18, and 25.

First Complainant licenses the United Kingdom trademark and unregistered trademark rights associated with the mark HOUSE OF CB exclusively to Second Complainant.

Second Complainant maintains its official website at "www.houseofcb.com", through which it effects sales of luxury women's fashion worldwide. It also maintains branded stores in the United Kingdom, USA, and Australia. In addition, Second Complainant has operated Instagram and Twitter accounts at, respectively, @houseofcb and @HouseOfCB. The Instagram account has 3.4 million followers. The Twitter account has 106,000 followers.

Second Complainant's garments are popular with celebrities and photographs of celebrities wearing them, such as J.Lo, Beyoncé, Rihanna, Kim, Khloe and Kourtney Kardashian, Kendall 21 and Kylie Jenner, Mariah Carey, Ariana Grande, Nicki Minaj, Little Mix, the supermodel Joan Smalls, and Gigi and Bella Hadid, who are often photographed wearing them.

The Domain Names were registered as follows:

- <cbstyleonline.com> registered on September 28, 2020;
- <cbsstyles.com> registered on August 24, 2021;
- <styleofcb.com> registered on July 24, 2020;

<houseofcbsexydresses.com> registered on February 12, 2020;
<cbdiscountdress.com> registered on December 23, 2019;
<houseofcbnewin.com> registered on February 29, 2020; and
<houseofcb.store> registered on June 12, 2021.

They resolve to websites (the “Websites”) that offer luxury womenswear eminently displaying Complainants’ trademarks and logos, with photographs of many of the models and garments, as well as product descriptions, presented on Second Complainant’s official website, some even altered, without authorisation. The Domain Names <cbdresslondon.com> and <houseofcbnewin.com> currently lead to inactive websites.

Proceedings were issued in the High Court in London in Claim No.IL-2019-000141 applying for injunctions to prevent Third Respondent from infringing Complainants’ trademarks and copyright. Initially an interim Order was made on December 16, 2019 prohibiting Third Respondent, whether acting through servants, agents, or otherwise, from using the sign HOUSE OF CB or any similar sign and certain images belonging to Complainants. That injunction was extended at a hearing on January 14, 2020 and a final Order was made on August 4, 2020 when Third Respondent was also ordered to transfer the domain names <houseofcblondon.com>, <houseofcbclothing.com>, and <houseofcbdresses.com> to First Complainant. Third Respondent did not participate in those proceedings.

Per Complainants, the websites under the Domain Names are operating in breach of the above injunction orders.

6. Parties’ Contentions

A. Complainant

Complainants assert that they have established all three elements required under paragraph 4(a) of the Policy for a transfer of the Domain Names.

B. Respondent

Respondent did not formally reply to the Complainants’ contentions.

However, the email transmitted by Respondent on April 26, 2022 provides evidence that Fourth Respondent, Jianqing Ltd., is a company incorporated in the United Kingdom with a registered office in London which has applied/registered trademarks for HOUSEOF CB as follows:

(a) Australian trademark registration No. 2055948, for goods in International Class 25 which was filed on December 6, 2019, and registered on July 14, 2020;

(Complainants state that Fourth Respondent applied to register an Australian trademarks for the sign HOUSEOF CB No. 2055948 and No. 2131758 despite the fact that the Second Complainant has been trading in this jurisdictions since 2014. Objections have been made to these registrations. No defense was filed in relation to Registration No. 2131758 and it has lapsed.)

(b) Canada trademark application No. 2000203, for goods in International Classes 14 and 25, which was filed on December 9, 2019;

(Complainants state that Fourth Respondent applied to register the trademark No. 2000203 in Canada for HOUSEOF CB despite the fact that Second Complainant had been trading in this jurisdiction since 2014. Objections have been made against this registration.)

(c) France trademark application No. 4667862, for goods in International Class 25, which was filed on July 21, 2020;

(Complainants state that Fourth Respondent applied to register HOUSEOF CB as a trade mark in France. First Complainant objected to the registration and it was revoked.)

and

(d) United States trademark registration No. 6196856 in International Class 25, which was filed on December 6, 2019, and registered on November 10, 2020.

Fourth Respondent, Jianqing Ltd., also has pending applications in Hong Kong, China, Japan and the USA. The application in Hong Kong, China, was filed on August 7, 2020 for goods in International Class 25. The application in Japan was filed on September 6, 2020 for a range of goods in International Class 25. The United States applications were filed in October 2020 for additional goods in International Class 25 and services in International Class 35.

Complainants state that Fourth Respondent applied for the following United States trademarks: No. 88717345 for HOUSEOF CB, No. 90096570 for STYLEOF CB, No. 88742672 for HOUSEOF CB, No. 90065688 for HOUSEOF CBNEWIN, No. 90309966 for HOUSEOF CB, No. 90309970 for HOUSEOF CB, No. 90309978 for HOUSEOF CB, No. 90361527 for HOUSEOF CB, No. 90376506 for THEHOUSEOF CB, No. 90258303 for HOUSE OF CB and No. 90243348 for HOUSE OF CB, despite the fact that Second Complainant had been trading in the USA since 2014. Of these applications Nos. 88742672, 90309966, 90309970, 90309978 and 90361527 have been abandoned because Fourth Respondent failed to respond to requests for information from the United States Patent and Trademark Office. Proceedings have been issued by Complainants against Respondent in the United States District Court, District of Connecticut in Claim No. 3:21-CV-00871-JAM seeking cancellation of the trademark registrations, injunctions and damages.

Per Complainant, the US trademark applications Nos. 90243348 and 90258303 have been suspended.

The Panel notes that all the above Respondent's trademark applications and registrations were filed in 2019 and 2020 and are therefore all subsequent to the trademarks invoked by Complainants. Respondent did not claim or prove any prior rights to any of the jurisdictions where the invoked trademarks of Complainants are registered.

7. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Names:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainants have rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Domain Names incorporate Complainants' HOUSE OF CB trademark in its entirety, or, as the case may be, its main and dominant part CB. This is sufficient to establish confusing similarity (*Magnum Piering, Inc. v. The Mudjacks and Garwood S. Wilson, Sr.*, WIPO Case No. [D2000-1525](#)).

The addition of the dictionary terms "discount", "dress(es)", "style(s)", "new", "in", "sexy", "online" in the Domain Names respectively, does not prevent a finding of confusing similarity, as the HOUSE OF CB trademark and/or its main part CB, remain clearly recognizable in each Domain Name

([WIPO Overview 3.0](#), section 1.8).

The generic Top-Level Domains (“gTLD”) “.store” and “.com” are disregarded, as gTLDs typically do not form part of the comparison on the grounds that they are required for technical reasons (*Rexel Developpements SAS v. Zhan Yequn*, WIPO Case No. [D2017-0275](#); *Hay & Robertson International Licensing AG v. C. J. Lovik*, WIPO Case No. [D2002-0122](#)).

The Panel finds that the Domain Names are confusingly similar to Complainants’ HOUSE OF CB trademark.

Complainants have established Policy, paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Names, among other circumstances, by showing any of the following elements:

(i) before any notice to Respondent of the dispute, Respondent’s use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a *bona fide* offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the Domain Names, even if you have acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the Domain Names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Names.

Respondent has not submitted any formal response and has not claimed any such rights or legitimate interests with respect to the Domain Names. As per Complainants, Respondent was not authorized to register the Domain Names.

Respondent has not demonstrated any preparations to use, or has not used the Domain Names or a trademark corresponding to the Domain Names in connection with a *bona fide* offering of goods or services.

On the contrary, as Complainants demonstrated, the Domain Names were used to host the Websites to impersonate Complainants and attempt to mislead consumers into thinking that the goods purportedly offered for sale on the Websites originate from Complainants. Such use demonstrates neither a *bona fide* offering of goods nor a legitimate interest of Respondent (*Arkema France v. Aaron Blaine*, WIPO Case No. [D2015-0502](#)).

The trademark applications and registrations invoked in the informal email communication from Respondent on April 26, 2022 are all subsequent to Complainants’ trademarks. Per Complainants, Respondent has submitted all the trademark applications in bad faith in that Second Complainant had been successfully trading as “House of CB” since 2014 in each of these jurisdictions where Respondent has applied/registered trademarks selling its distinctive “House of CB” branded clothing. In the case of Australia and the USA, not only had it been trading through the website “www.houseofcb.com” with customers in these countries but also through “House of CB” branded stores or concessions within stores. Per Complainants, Respondent applied to register HOUSEOF CB/HOUSE OF CB trademarks in Australia, Japan, Hong Kong, China, France, and the USA after the injunction Orders were made in the proceedings in the High Court of Justice in London prohibiting Respondent, either by himself or through a company, from using Complainants’ trademarks in connection with the sale of clothing.

A distributor, reseller or service provider, can make a *bona fide* offering of goods or services and thus have a right or legitimate interest in a domain name only if the following cumulative requirements are met (*Oki Data*

Americas, Inc. v. ASD, Inc., WIPO Case No. [D2001-0903](#); [WIPO Overview 3.0](#), section 2.8.1): (i) respondent must actually be offering the goods or services at issue; (ii) respondent must use the site to sell only the trademarked goods or services; (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and (iv) respondent must not try to "corner the market" in domain names that reflect the trademark.

These requirements are not cumulatively fulfilled in the present case. The Domain Names falsely suggest that they are the official websites of Complainants or of an entity affiliated to or endorsed by Complainants. The Websites reproduce, without authorization by Complainants, Complainants' trademarks, without any disclaimer of association (or lack thereof) with Complainants.

The Panel finds that these circumstances do not confer upon Respondent any rights or legitimate interests in respect of the Domain Names.

Complainants have established Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Names in "bad faith":

(i) circumstances indicating that Respondent has registered or has acquired the Domain Names primarily for the purpose of selling, renting, or otherwise transferring the Domain Names registration to Complainants who are the owner of the trademark or service mark or to a competitor of Complainants, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Names; or

(ii) that Respondent has registered the Domain Names in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or

(iii) that Respondent has registered the Domain Names primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the Domain Names, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainants' mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes that Respondent has registered and used the Domain Names in bad faith.

Because the HOUSE OF CB mark had been widely used and registered by Complainants before the Domain Names' registrations, the Panel finds it more likely than not that Respondent had Complainants' mark in mind when registering the Domain Names (*Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#)).

Respondent should have known about Complainants' rights, as such knowledge is readily obtainable through a simple browser search and also due to Complainant's nature of business, provided also online, namely online sales (see *Caesars World, Inc. v. Forum LLC*, WIPO Case No. [D2005-0517](#); *Compart AG v. Compart.com / Vertical Axis Inc.*, WIPO Case No. [D2009-0462](#)).

Furthermore, the content of the Websites gives the impression that they originate from Complainants, prominently displaying HOUSE OF CB signs on the Websites, official Complainants' product images and product descriptions, thereby giving the false impression that the Websites emanate from Complainants.

This further supports registration in bad faith reinforcing the likelihood of confusion, as Internet users are likely to consider the Domain Names as in some way endorsed by or connected with Complainants ([WIPO Overview 3.0](#), section 3.1.4).

The above further indicates that Respondent knew of Complainants and chose the Domain Names with knowledge of Complainants and their industry (*Safepay Malta Limited v. ICS Inc.*, WIPO Case No. [D2015-0403](#)).

Furthermore, Respondent could have conducted a trademark search and should have found First Complainant's prior registrations in respect of HOUSE OF CB (*Citrix Online LLC v. Ramalinga Reddy Sanikommu Venkata*, WIPO Case No. [D2012-1338](#)).

As regards bad faith use, Complainants demonstrated that the Domain Names were employed to host the Websites which appeared falsely to be those of Complainants.

Furthermore, the Domain Names have been operated in such a manner that would cause confusion to Internet users seeking Complainants' websites and products by intentionally creating a likelihood of confusion with Complainants' trademark and business. This further supports the finding of bad faith use (*Arkema France v. Aaron Blaine, supra*; *Aktiebolaget Electrolux v. Priscilla Quaiotti Passos*, WIPO Case No. [D2011-0388](#) and [WIPO Overview 3.0](#), sections 3.1.4 and 3.2.1).

As a further circumstance evidencing Respondent' bad faith, Respondent did not only avail of a privacy service to shield the identity and contact details in the public Whois records but, according to the information disclosed by the Registrars to the Center after the filing of the Complaint, Respondent also apparently provided certain fictitious contact information to the Registrars at the time of registration.

Under these circumstances and on this record, the Panel finds that Respondent registered and used the Domain Names in bad faith.

Complainant has established Policy, paragraph 4(a)(iii).

8. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Names, <cbdiscountdress.com>, <cbsstyles.com>, <cbstyleonline.com>, <houseofcbnewin.com>, <houseofcbsexydresses.com>, <houseofcb.store>, and <styleofcb.com>, be transferred to Second Complainant, Original Beauty Technology Company Limited.

/Marina Perraki/

Marina Perraki

Sole Panelist

Date: May 17, 2022