

## **ADMINISTRATIVE PANEL DECISION**

RELX Group PLC v. vin Ke, British and American Basket xc  
Case No. D2023-0250

### **1. The Parties**

The Complainant is RELX Group PLC, United Kingdom, represented by Nelson Mullins Riley & Scarborough, L.L.P., United States of America.

The Respondent is vin Ke, British and American Basket xc, China.

### **2. The Domain Name and Registrar**

The disputed domain name <relxapp.net> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 19, 2023. On January 19, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 20, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 23, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 25, 2023.

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 Respondent of the Complaint, and the proceedings commenced on January 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 15, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 16, 2023.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on February 21, 2023. 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 Complainant in this proceeding is a multinational information and analytics company, headquartered in London, employing over 33,000 employees across nearly 40 countries and serving customers in more than 180 countries worldwide. The Complainant's predecessors-in-interest rebranded the company to RELX in 2015.

The Complainant owns the RELX and the ER (device) trademarks



which enjoy thorough protection through many registrations worldwide.

The Complainant is, *inter alia*, the owner of:

- United States trademark RELX (word) registration number 5,075,594, registered on November 8, 2016;
- International trademark RELX (word) registration number 1262314, registered on February 26, 2015;
- United States trademark ER (device) registration number 4,762,560, registered on June 30, 2015.

The disputed domain name was registered on November 19, 2022.

The disputed domain name resolves to a page where a message announcing that the website is not reachable is displayed. However, previously (at least on January 10, 2023), the website reproduced the Complainant's trademarks, and in particular at the <https://relxapp.net/relx> subpage, a purported Relx Group mobile app was available for download. In addition, the image used for this app is identical to the registered RE (device) trademark of the Complainant.

#### **5. Parties' Contentions**

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

The Complainant claims that:

(a) the disputed domain name is confusingly similar to the Complainant's trademark; (b) the Respondent lacks any rights or legitimate interests in the disputed domain name; and (c) the Respondent has registered and is using the disputed domain name in bad faith.

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

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

## 6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraphs 4(a)(i) – (iii) of the Policy require that the Complainant must demonstrate to the Panel that:

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

### A. Identical or Confusingly Similar

The Complainant has established rights in the RELX trademark.

The disputed domain name contains the Complainant's RELX trademark with the addition of the term "app" and the generic Top-Level Domain ("gTLD") ".net". The addition in the disputed domain name of these elements does not prevent a finding of confusing similarity, being the RELX trademark recognizable in the disputed domain name. Pursuant to section 1.8 of the Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") which states: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements."

Therefore, the Panel finds the disputed domain name to be confusingly similar to the RELX trademark in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

This Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant's trademark. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services.

Indeed, it appears that the Respondent has attempted to usurp the Complainant's goodwill in the trademark, in an attempt to confuse and deceive Internet users into doing business with the Respondent. In addition, the Respondent does not appear to be commonly known by the disputed domain name or by a similar name. Moreover, the Respondent has not replied to the Complainant's contentions, claiming any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

Based on the evidence put forward by the Complainant, the Panel is of the opinion that the Respondent was aware of the Complainant's trademark registrations and rights to the RELX mark when it registered the disputed domain name.

The disputed domain name was used for a website where the content displayed showed the Complainant's trademarks and displayed information about a purported RELX mobile app.

Consequently it is clear that the Respondent registered the disputed domain name while aware of the Complainant's trademark and activity, and did so with the intention to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of either the Respondent and/or its website, so as to trick those users into doing business with the Respondent.

In fact, it appears that the Respondent intentionally and fraudulently attempted to impersonate the Complainant by using a website that reproduces its trademark to confuse Complainant's customers.

This constitutes bad faith registration and use as well as a disruption of the Complainant's business under the Policy.

Further circumstances supporting a finding of bad faith can also be found in the failure to respond to the Complainant's contentions.

The fact that the disputed domain name currently resolves to a page where a message announcing that the website is not reachable does not prevent a finding of bad faith.

Accordingly, the Panel finds, on the basis of the evidence presented, that the Respondent registered and is using the disputed domain name in bad faith.

Therefore, the Complainant has satisfied paragraph 4(a)(iii) 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 name, <relxapp.net> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: March 7, 2023