

ADMINISTRATIVE PANEL DECISION

Hunza G Limited v. Qgyw Riujui
Case No. D2023-1027

1. The Parties

The Complainant is Hunza G Limited, United Kingdom (“UK”), represented by Briffa Legal Limited, UK.

The Respondent is Qgyw Riujui, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <hunzagsale.com> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 8, 2023. On March 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 9, 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 (Whois Agent, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 10, 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 amendment to the Complaint on March 10, 2023.

The Center verified that the Complaint together with the amendment to the 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 March 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 5, 2023.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on April 14, 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 is Hunza G Limited, a well-known British company selling swimwear and clothing, footwear, and home products retailer, which has its headquarters in London, UK. The Complainant is the owner of several trademark registrations for the marks HUNZA and HUNZA G. Among others, the Complainant owns the following registrations for HUNZA G:

- HUNZA G (word), European Union registration n° 017896483 registered on September 6, 2018 in class 25 for articles of clothing, footwear, headgear, neckwear, gloves, underwear, swimwear, and lingerie;
- HUNZA G (word), United States of America registration n° 6,132,758 registered on August 25, 2020 in class 25 covering articles of clothing, footwear, headgear, neckwear, gloves, underwear, swimwear, and lingerie;
- HUNZA G (word), International registration n° 1510122 registered on October 30, 2019 in class 25 for articles of clothing, footwear, headgear, neckwear, gloves, underwear, swimwear, and lingerie, designating among others Mexico;
- HUNZA G (word), Australian registration n° 229346 registered on October 29, 2021 in class 25, covering articles of clothing, footwear, headgear, neckwear, gloves, underwear, swimwear, and lingerie.

All data on these and other registrations can be found in Annex 6 to the Complaint.

The Complainant states that the HUNZA G brand was created in the late 80's and is in use ever since. Complainant's HUNZA G branded products are sold in over 250 stores worldwide. In 2022, profit contributions from the HUNZA G brand profited over GBP 7,000,000, as seen in Annex 4 to the Complaint.

The Complainant uses the domain name <hunzag.com> to promote its business.

The disputed domain name was registered on July 5, 2022 and resolves to a website that displays the Complainant's trademark, and purportedly offers for sale the Complainant's goods (Annex 7 of the Complaint).

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's mark registered and used worldwide. In fact, the disputed domain name is composed by the mark HUNZA G, which is identical to the Complainant's registered mark, together with the generic expression "sale" – which has a direct relation to the Complainant's activities.

The expression chosen by the Respondent to compose the disputed domain name together with the trademark does not negate the confusing similarity between the disputed domain name and the Complainant's trademark. Being a descriptive term, it does not distance the disputed domain name from the Complainant in any way. On the contrary, it would lead to confusion, given the presence of the Complainant's mark. It may also lead the consumer to consider that the website associated with the

disputed domain name may be an official page of the Complainant related to sales of apparel under the Complainant's mark.

The Complainant owns several registrations for the trademark HUNZA G, as well as domain name formed by it, as evidenced by Annex 6 to the Complaint.

The disputed domain name adopted by the Respondent – a reproduction of the Complainant's registered mark associated with a descriptive expression – shows a clear intention of misleading Internet users, as it directs to a website that offers goods that originate from the Complainant (Annex 7 to the Complaint), although the Respondent has never been authorized to use the HUNZA G mark, nor has the Respondent ever been an authorized seller of the Complainant's goods.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- 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 to 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

Regarding the first of the elements, the Panel is satisfied that the Complainant has presented adequate proof of having rights in the mark HUNZA G, which is registered and clearly used regularly throughout the world.

Further, the Panel finds that the disputed domain name is confusingly similar to the trademark belonging to the Complainant, since this mark is entirely reproduced in the disputed domain name registered by the Respondent with the addition of the term "sale". According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, 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. Further, it is well established that ".com", as a generic Top-Level Domain ("gTLD"), is disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's mark because it is viewed as a standard registration requirement (section 1.11.1 of the [WIPO Overview 3.0](#)).

Hence, the Panel concludes that the first element of the Policy has been satisfied by the Complainant in this proceeding.

B. Rights or Legitimate Interests

The Panel notes that the mark HUNZA G is naturally associated with the Complainant, since it is not only registered as a mark, but also has been used to identify the goods and services rendered by the Complainant for decades.

Further, the Complainant has provided evidence of the renown of the mark HUNZA G and the full range of products offered under this brand, being offered for sale worldwide in over 250 retail stores in the world, among which are Harrods, Selfridges, and SaksFifthAvenue, and online such as Net-A-Porter and Farfetch.

Hence, the Panel considers that the Respondent, in all likelihood, could not be unaware of the mark HUNZA G, and its direct relation to the Complainant.

In fact, the Complainant has never authorized the Respondent to use its HUNZA G mark, and it has also been shown that the Respondent uses the disputed domain name for a website that purportedly offers for sale the Complainant's – although not directly nor indirectly authorized by the Complainant. Also, the website has not accurately and prominently disclose the relationship between the Respondent and the Complainant.

The Panel is satisfied that the Complainant has made a *prima facie* showing of the Respondent's lack of rights or legitimate interests in the disputed domain name. This has not been rebutted by the Respondent.

Further, the nature of the disputed domain name carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

Thus, the Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name. For this reason, the Panel finds that the Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith

It is clear to the Panel that the Respondent knew of the Complainant's HUNZA G mark and has registered the disputed domain name with the purpose of taking advantage of the Complainant's mark for the reasons below.

The Panel finds that the disputed domain name was likely registered to mislead consumers because the disputed domain name incorporates the Complainant mark in its entirety with the addition of the word "sale", which is closely related to the Complainant's activities. Therefore, the Respondent may well profit by giving Internet users the impression that the disputed domain name belongs to the Complainant.

As mentioned above, the composition of the disputed domain name points towards the Respondent's likely intent to give the impression that the disputed domain name is associated with the Complainant. In the absence of any reasonable explanation for the selection of the disputed domain name by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not, that the disputed domain name has been registered to take advantage of the value of the trademark owned by the Complainant.

The fact that the disputed domain name resolves to a website purportedly offering for sale products marked HUNZA G supports a finding of bad faith in these circumstances. The Respondent has acted in bad faith by registering and using the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's HUNZA G marks and siphoning Internet traffic away from the Complainant's official website for its commercial gain.

Here, the Panel notes that the distinctive and well-known nature of the Complainant's trademark HUNZA G, the failure of the Respondent to submit a Response, and the implausibility of any good faith use to which the disputed domain name may be put, support a finding of bad faith.

Thus, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith. For this reason, the Panel finds that the Complainant has satisfied 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 name <hunzagsale.com> be transferred to the Complainant

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: April 30, 2023