

## **ADMINISTRATIVE PANEL DECISION**

AJE IPCO PTY LTD v. Knjej Undei  
Case No. D2023-1664

### **1. The Parties**

The Complainant is AJE IPCO PTY LTD, Australia, represented by Hitch Advisory, Australia.

The Respondent is Knjej Undei, China.

### **2. The Domain Names and Registrars**

The disputed domain names <ajefashion.com> and <ajewomen.com> are registered with Name.com, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 15, 2023. On April 18, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 18, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Name.com, Inc.) and contact information in the Complaint.

The Center sent an email communication to the Complainant on April 19, 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 April 26, 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 April 27, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 17, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 19, 2023.

The Center appointed Knud Wallberg as the sole panelist in this matter on May 30, 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 an established and widely recognized women's clothing and fashion brand with a global presence and operation. The Complainant has been operating continuously since 2008 selling clothes and other fashion goods under the brands "AJE" and "AJE Athletica".

The Complainant is the owner of a number of registrations of the AJE mark for goods and services in classes 14, 18, 25 and 35 including international registration 1420499, registered on July 11, 2018 and designating the European Union, United Kingdom and United States of America.

The Complainant owns and operates web shops at "www.ajeworld.com.au" and "www.ajeworld.com".

The disputed domain name <ajefashion.com> was registered on May 23, 2022. The disputed domain name <ajewomen.com> was registered on May 24, 2022. Both disputed domain names redirect to websites that allegedly are selling the Complainant's AJE goods.

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

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

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

Notably, the Complainant contends that that the disputed domain names are confusingly similar to the Complainant's AJE trademark.

The Complainant further submits that the facts of the case indicates a clear intention by the Respondent to use the goodwill and prestige garnered by the Complainant's brand in an illegitimate attempt at commercial gain and that there is no evidence of extended prior use of the Complainant's mark or brand that can be seen as a bona-fide offering of goods or services.

Finally, the Complainant submits that the disputed domain names were registered and are being used in bad faith. The websites under the disputed domain names have used copies of images taken from the original AJE websites and is displaying these images on the website indicating a clear and blatant attempt to misrepresent to the public that it is part of the Complainant or its business or group or otherwise associated with or endorsed by the Complainant or its business or group.

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

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed

domain names are identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms here, “fashion” and “women”, 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

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

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has 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.

The Panel considers that the record of this case reflects that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.

Based on the available record, the Panel finds the second element of the Policy has been established.

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

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain names in bad faith.

The Panel considers that the record of this case reflects that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web sites or other on-line location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s web site or location or of a product or service on the Respondent’s web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Based on the available record, the Panel finds the third element of the Policy has been established.

## **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, <ajefashion.com> and <ajewomen.com> be cancelled.

*/Knud Wallberg/*

**Knud Wallberg**

Sole Panelist

Date: June 13, 2023