

ADMINISTRATIVE PANEL DECISION

International Olympic Committee (IOC), Brisbane 2032 Olympic and Paralympic Games Organising Committee, Australian Olympic Committee Inc. v. 小龙 刘
Case No. D2024-0121

1. The Parties

The Complainants are the International Olympic Committee (IOC) (“First Complainant”), Switzerland, Brisbane 2032 Olympic and Paralympic Games Organising Committee, Australia (“Second Complainant”), and Australian Olympic Committee Inc., Australia (“Third Complainant”), represented by Bird & Bird (Belgium) LLP, Belgium.

The Respondent is 小龙 刘, China.

2. The Domain Name and Registrar

The disputed domain name <brisbane2032.org> 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 January 12, 2024. On January 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 12, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 January 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 7, 2024. An informal Response was filed with the Center on February 5, 2024. The Respondent sent another email communication to the Center on February 9, 2024.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on February 14, 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 First Complainant was established on June 23, 1894, by Baron Pierre de Coubertin as an international, non-governmental, non-profit organization, which serves as the umbrella organization of the Olympic Movement, of which the Third Complainant is a member organization, serving as the Australian national committee. In 1896, under the First Complainant's direction, Athens, Greece hosted the first Olympic Games of the modern age. Since 1896, the IOC has supervised the organization of each of the Olympic Games, namely 24 Olympic Winter Games and 32 Olympic Summer Games, and most recently the 2022 Olympic Winter Games in Beijing, China. The Olympic Games are the most widely broadcasted event in the world, with the global audience of the Summer Olympic Games like London 2012, Rio 2016 or Tokyo 2020 averaging around 3.3 billion people and the Winter Olympic Games such as PyeongChang 2018 and, most recently, Beijing 2022, averaging around 2 billion people. The Second Complainant is the Organizing Committee set up in December 2021 by the Queensland Government after the election of Brisbane as host city of Brisbane 2032 on July 21, 2021, with the mission to organize the Brisbane 2032 Olympic and Paralympic Games, as supervised by the First Complainant.

The First and Second Complainants own a portfolio of registered trademarks which are relevant to this case, including (but not limited to) the following marks: Liechtenstein trademark BRISBANE / 2032 with registration no. 19976, registered on February 23, 2021, owned by the First Complainant and Australian trademark BRISBANE 2032 OLYMPIC GAMES with registration no. 2158385, registered on February 24, 2021, and owned by the Third Complainant. The Third Complainant is licensed by the other Complainants to use their trademarks related to the Brisbane Olympic Games and has also applied for additional trademarks in its own name. The Second Complainant also owns a domain name portfolio related to the Brisbane Olympic Games, including but not limited to <brisbane2032.com.au>, <brisbane2032.com.au>, <brisbane2032.net.au>, <brisbane2032.org.au>, and <brisbane2032.au>.

The Respondent is a natural person, self-represented, based in China.

The disputed domain name was registered on July 10, 2021, and is therefore of a later date than the abovementioned trademark registrations owned by the First and Second Complainant. The Complainants submit evidence that the disputed domain name refers to a parking page hosted by GoDaddy, stating only that the domain name "may be for sale".

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name incorporates the entirety of the BRISBANE 2032 trademarks and the dominant feature of the BRISBANE 2032 OLYMPIC GAMES trademark and is therefore identical or confusingly similar to these trademarks. Furthermore, the Complainants contend that the Respondent is neither affiliated with any of the Complainants in any way nor have any of the Complainants licensed, authorized, or permitted the Respondent to use and register, or to seek registration of any domain name or trademark incorporating their BRISBANE 2032 and BRISBANE 2032 OLYMPIC GAMES trademarks. The Complainants argue that in the absence of any license or permission from the Complainants to use their trademarks, no actual or contemplated bona fide or legitimate

use of the disputed domain name could reasonably be claimed. Furthermore, the Complainants argue that since its registration until the date of this Complaint, the disputed domain name has not been in use and has never resolved to an active website, rather it redirects to a parking page of GoDaddy, stating that the domain name “may be for sale”. Therefore, according to the Complainant, the Respondent cannot assert that it was using or had made demonstrable preparations to use the disputed domain name, or a name corresponding to the disputed domain name, in connection with a bona fide offering of goods and services, but rather that the Respondent must have registered the disputed domain name in order to sell it for a (significant) profit to the Complainant or another party connected to the Brisbane 2032 Games. The Complainant also argues that the disputed domain name carries a high risk of implied affiliation since visitors of the disputed domain name will undoubtedly be expecting the official website of the Brisbane 2032 Olympic Games.

As to bad faith, the Complainants argue that on July 10, 2021, a month after the IOC’s Executive Board’s unanimous endorsement of Brisbane’s bid, the Respondent registered the disputed domain name and that such timing cannot have been coincidental, but is instead indicative of bad faith given the global media coverage of the above announcements. Therefore, the Respondent must have read or heard about Brisbane’s bid and the high likelihood that IOC members would vote in favour of it on July 21, 2021 (which in fact they did) and registered the disputed domain name in anticipation of Brisbane’s election to host the Summer Olympics in 2032. The Complainant also argues that the timing of the registration of the disputed domain name indicates the Respondent’s bad faith, as the IOC inadvertently failed to timely renew the registration of the disputed domain name and it was therefore released by its registrar some time after May 28, 2021, and re-registered by the Respondent with knowledge about the Complainant’s rights. Finally, the Complainant also argues that the Respondent is using the disputed domain name in bad faith and is merely holding it passively as the disputed domain name has not been used at all by the Respondent since its registration and still resolves to a GoDaddy parking page stating that it “may be for sale”.

The Complainants request the transfer of the disputed domain name.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

The Respondent argues particularly that according to international Internet domain name regulations, once a “.org” domain name is released for registration by the public, anyone can register it. The Respondent also argues that he is planning to use the disputed domain name in good faith as the Respondent is planning to move to Brisbane in 2032 to give his children a good education and that he registered the disputed domain name to use it in connection with a personal website, planning to introduce Brisbane’s scenery, arts, environment, technology, and education. The Respondent states that he did not know the disputed domain name directed to a parked page stating that it may be for sale. The Respondent also argues that the composition “city + year” in domain names is not unique to the Olympic games, as there are many other cases where this is the usage in China, such as Hangzhou Asian Games (e.g., <hangzhou2022.com>). Furthermore, the Respondent argues that the Complainants officially announced in 2020 that it would suspend its bid to host the 2032 Olympic Games, therefore the Respondent contends that the disputed domain name does not constitute infringement of the Complainant’s marks.

The Respondent requests the dismissal of the Complaint.

6. Discussion and Findings

6.1 Preliminary Issues: Consolidation of the Complainants and Language of the Proceeding

The Complaint was filed in the name of multiple Complainants and the Complainants therefore request consolidation in this regard. Concerning consolidation, the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)) states in section 4.11.1:

“In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

The Panel has carefully reviewed all elements of this case, giving particular weight to the following elements: the Complainants are all part of, or related to, the Olympic Movement headed by the First Complainant, and therefore form part of the same organization and have a common grievance of trademark-abusive domain name registration and use against the Respondent. As such, the Panel concludes that all Complainants are the target of common conduct by the Respondent, and all have common grievances regarding the use of the BRISBANE 2032 and BRISBANE 2032 OLYMPIC GAMES trademarks in the disputed domain name by the Respondent. The Panel accepts that permitting the consolidation would be fair and equitable to all Parties involved and would safeguard procedural efficiency, and notes that the Respondent did not object to the request for consolidation. The Panel therefore grants the request for consolidation of the Complainants and shall hereafter refer to the Complainants jointly as “the Complainant”.

Finally, as to the language of this proceeding, in his Response, the Respondent communicates in Chinese and recommends Chinese be used but does not request a change in language. Pursuant to paragraph 11(a) of the Rules, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. However, the Panel notes that the Registration Agreement was in English, that the content of the parked website hosted at the disputed domain name was English, that the Complaint was filed in English and that the Respondent was able to respond to the Complainant’s arguments in the Complaint and therefore seems to have clearly understood the contents thereof. Based on these elements, the Panel finds that the language of this proceeding will be English. Nevertheless, the Panel accepts the Respondent’s Response and communications in Chinese and does not request a translation thereof into the language of the proceeding.

6.2 Findings on the Merits

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 name. [WIPO Overview 3.0](#), section 1.7.

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.

Given the existence of prior relevant trademark registrations owned by the Complainant, the Panel does not need to further examine the Complainant’s claims based on its unregistered trademarks.

The Panel finds that the entirety of the BRISBANE 2032 mark is reproduced within the disputed domain name and that the dominant, distinctive feature of the BRISBANE 2032 OLYMPIC GAMES trademark is present and fully recognizable in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel does not accept the Respondent’s arguments regarding the alleged lack of uniqueness of the composition “city + year” in domain names, since under the Policy, the ownership of a registered trademark which is identical or confusingly similar to the disputed domain name is sufficient for the requirements of the first element to be met.

The 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 Respondent 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 Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

Furthermore, the Panel notes that, based on the evidence filed by the Complainant, the disputed domain name since registered by the Respondent has only ever directed to a parked GoDaddy page stating that it “may be for sale”. The Panel finds that the Respondent has not provided evidence that he has used the disputed domain name in connection with a bona fide offering of goods or services, nor any credible preparations for that purpose. The Panel cannot accept the mere unsubstantiated statements provided by the Respondent that the Respondent intends to use the disputed domain name for a personal website. The Panel notes that the Respondent provides no evidence at all of such statements, while he already owns the disputed domain name for several years, namely since July 2021 and he should therefore at least be able to provide evidence of some form of reasonable preparations for such use of the disputed domain name beyond a merely self-serving claim. In this regard, the Panel finds that holding a domain name passively, without making any use of it, does not confer any rights or legitimate interests in the disputed domain name on the Respondent (see in this regard earlier UDRP decisions such as *Bollere SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

As to the Respondent’s argument that he has validly registered the disputed domain name after it lapsed and became available for registration by the public, the Panel finds that it is the settled view of panels applying the Policy that the mere registration of a domain name does not automatically confer rights or legitimate interests on the Respondent.

Finally, the Panel also finds that the nature of the disputed domain name, being confusingly similar to the Complainant’s prior trademarks and noting that the Olympic Games are commonly and consistently referred to as “host city + year”, carries a high risk of implied affiliation and does not constitute fair use, as it effectively impersonates the Complainant and its products and services or suggests sponsorship or endorsement by the Complainant (see [WIPO Overview 3.0](#), section 2.5.1).

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 name in bad faith.

In the present case, the Panel notes that the Olympic Games are an extremely well-known event, broadcasted all over the world and that the Respondent has registered the disputed domain name, after the Complainant's registration for it had lapsed, shortly after the IOC's Executive Board's endorsement of Brisbane as the host city of the Olympic Games in 2032. The Panel notes that this was a highly publicized event, with wide media coverage all over the world and accepts the Complainant's argument that such registration is therefore indicative of bad faith on the part of the Respondent. The Panel also notes that a simple search engine query by the Respondent at the time of registration of the disputed domain name would have informed him of the Complainant's pre-existing rights in the BRISBANE 2032 marks and their intensive use by the Complainant on the registration date of the disputed domain name. The Panel therefore concludes that the Respondent consciously targeted the Complainant's highly publicized prior trademarks and that the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks at the time of registering the disputed domain names. In the Panel's view, the foregoing elements clearly indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain names in bad faith.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds that the disputed domain name's use, resolving to a Registrar parked website, which essentially equates to non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and global reputation of the Complainant's trademarks, the fact of common knowledge that Olympic Games are consistently identified by "Host City & Year" and that Host City & Year domain names are typically used for the Complainant's official Olympic Games websites, the fact that the parked website linked to the disputed domain name mentions that it "may be for sale" which makes it likely that the Respondent has registered the disputed domain name in order to sell it for an amount in excess of its out-of-pocket costs to the Complainant, and the unlikelihood of any bona fide use of the disputed domain name by the Respondent (who did not substantiate his mere allegations of personal use with any evidence of use or preparations for such use). The Panel finds that in the circumstances of this case the passive holding or parked use of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has 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 name <brisbane2032.org> be transferred to the First Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: February 26, 2024