

ADMINISTRATIVE PANEL DECISION

Hashkey Digital Asset Group Limited v. Un Breakable Case No. D2024-1079

1. The Parties

The Complainant is Hashkey Digital Asset Group Limited, Hong Kong, China, internally represented.

The Respondent is Un Breakable, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <hashkey.group> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2024. On March 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, 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 (unidentified) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 21, 2024, 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 the same date.

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 March 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 16, 2024.

The Center appointed Linda Chang as the sole panelist in this matter on April 26, 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 Complainant is a digital asset management and finance company and has been offering digital asset management and financial technology services in the blockchain and fintech industries for institutions, offices, funds, and professional investors since 2018.

The Complainant is the owner of the following, amongst others, HASHKEY trademark registrations:

- (I) China Trademark Registration No. 35780722, registered on October 14, 2019, in Class 36;
- (II) China Trademark Registration No. 35776628, registered on October 7, 2019, in Class 42;
- (III) China Trademark Registration No. 37613238, registered on December 14, 2019, in Class 36;
- (IV) China Trademark Registration No. 37613277, registered on December 14, 2019, in Class 42; and
- (V) Hong Kong, China Trademark Registration No. 304909294, registered on October 10, 2019, in Classes 9, 35, 36, and 42.

The Complainant owns the domain name <hashkey.com> and the sub-domain <group.hashkey.com>. When accessing the Complainant's website at "https://group.hashkey.com/", the top of the webpage clearly displays "HASHKEY GROUP" and shows information about the Complainant and the services that it offers. On April 28, 2022, the Complainant was granted Approval-In-Principle license to operate virtual asset trading platform from the Securities and Futures Commission of Hong Kong, China.

The disputed domain name was registered on July 6, 2022, and resolves to a parking page that provides pay-per-click ("PPC") links to several other websites.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends the disputed domain name incorporates the HASHKEY trademark in its entirety, and ".group" does not prevent a finding of confusing similarity with the Complainant's HASHKEY trademark.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not sponsored or endorsed by the Complainant, and the Complainant has never authorized or licensed the Respondent to use the HASHKEY trademark. As the disputed domain name is directing to a parking webpage, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Respondent had actual knowledge of the HASHKEY trademark when registering the disputed domain name but willfully capitalized on the goodwill associated with the HASHKEY trademark. The Respondent currently makes passive use of the disputed domain name, which does not preclude a finding of use in bad faith.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a series of HASHKEY trademark / service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the HASHKEY trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the HASHKEY trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The disputed domain name resolves to a parking page with PPC links. Panels have recognized that the use of a domain name to host a page comprising PPC links would be permissible – and therefore consistent with respondent rights or legitimate interests under the UDRP – where the domain name consists of an actual dictionary word and is used to host PPC links genuinely related to the dictionary meaning of the word(s) and not to trade off the complainant's trademark. [WIPO Overview 3.0](#), section 2.9. In the present case however, the Respondent did not come forward with any explanation as to why it chose to register the disputed domain name with the generic Top-Level Domain "group" which may be seen as similar to the Complainant's sub-domain <group.hashkey.com>. Further, when accessing the Complainant's website at "<https://group.hashkey.com/>", the top of the webpage clearly displays "HASHKEY GROUP". Moreover, according to the evidence provided by the Complainant, the PPC links on the website at the disputed domain name are related to "Find", "Lost Something", "Booze", "Key", etc., which do not appear to be genuinely related to the dictionary meaning of "hash key". Without the help of a Response, the Panel finds it on the balance of probabilities that the Respondent's intention was to draw traffic based on the Complainant's reputation in its trademark HASHKEY. Accordingly, the Panel determines that there is no indication that the Respondent has any rights or legitimate interests in respect of the disputed domain name.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Complainant has provided supporting documents such as conference pamphlet, fund prospectus, and web news reports to show that the Complainant has used the HASHKEY brand to promote its business since 2018 and the HASHKEY trademark is widely known in its industry. Several months before the Respondent registered the disputed domain name, the Complainant was granted Approval-In-Principle license to operate virtual asset trading platform from the Securities and Futures Commission of Hong Kong, China (where the Respondent is located) and such news was reported by the media online. Considering the Respondent has not provided any explanation why it has registered the disputed domain name, and the Panel's findings under the second element, the Panel finds it on the balance of probabilities that the Respondent registered the disputed domain name in bad faith, with knowledge of the Complainant and its trademark.

Presently, the disputed domain name resolves to a parking page providing PPC links to various other websites. The Panel finds that by using the disputed domain name, the Respondent has intentionally attempted "to attract, for commercial gain, Internet users to [the respondent's] website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] website or location or of a product or service on [the respondent's] website or location", which is evidence of registration and use in bad faith under paragraph 4(b)(iv) of 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 <hashkey.group> be transferred to the Complainant.

/Linda Chang/

Linda Chang

Sole Panelist

Date: May 10, 2024