

## ADMINISTRATIVE PANEL DECISION

Green Island LLC and Stratos Global Services, LLC v. 钱梦聃 (Meng Dan Qian)

Case No. D2024-1660

### 1. The Parties

The Complainants are Green Island LLC (the “First Complainant”), Saint Vincent and the Grenadines; and Stratos Global Services, LLC (the “Second Complainant”), United States of America, represented by SafeNames Ltd., United Kingdom.

The Respondent is 钱梦聃 (Meng Dan Qian), China.

### 2. The Domain Name and Registrar

The disputed domain name <wwwtradu.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2024. On April 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 22, 2024, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 24, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on April 24, 2024.

On April 24, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On April 24, 2024, the Complainants confirmed their request that English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in English and Chinese of the Complaint, and the proceedings commenced on April 30, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 21, 2024.

The Center appointed Andrew Sim as the sole panelist in this matter on May 28, 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 and Second Complainant (collectively, the “Complainant”) both form part of Stratos Group International, LLC (“Stratos”), which operates through various subsidiaries worldwide. The Second Complainant is widely known for its FXCM brand, which was founded in 1999 and operates as a retail broker in the foreign exchange. The TRADU platform, which was publicly announced on November 22, 2023, operates as a multi-asset trading platform and is a sister platform to FXCM. The First Complainant is an IP holding company of Stratos, and owns the registered TRADU trademarks.

The Complainant uses its official domain name, <tradu.com>, to host the TRADU trading platform and provide information on its trading-related services. In addition to its main website, the Complainant has registered multiple domain names, which feature the TRADU trademark, including the following:

- <tradu.exchange>
- <tradu.ai>
- <tradu.hk>
- <tradu.cash>
- <tradu.limited>
- <tradu.finance>
- <tradu.dk>
- <tradu.biz>
- <tradu.chat>
- <tradu.live>

The Complainant also holds registered trademarks for TRADU in various jurisdictions, as listed below:

Trademark	Country	Registration Number	Registration Date	Class(es) Covered
TRADU	European Union	018882928	October 7, 2023	9, 36, and 41
	United Kingdom	UK00003918108	September 1, 2023	9, 36, and 41
TRADU	Switzerland	805120	October 26, 2023	9, 36, and 41
	Australia	2363337	June 9, 2023	9, 36, and 41

The Complainant further utilizes the TRADU trademark as part of its official brand logo and for promoting its services on social media platforms, including Facebook and LinkedIn.

The disputed domain name was registered on November 23, 2023. At the time of the Decision, the disputed domain name resolves to a website displaying links which further directs Internet users to websites operated by third parties.

## **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.

First, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's TRADU trademark as the disputed domain name clearly contains the Complainant's TRADU trademark. The addition of the prefix "www" and the generic Top-Level Domain ("gTLD") ".com" does not prevent a finding of confusing similarity.

The Complainant further submits that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent does not have any trademark rights in relation to the term "tradu", nor any does it have a license from the Complainant to use a domain name featuring the TRADU trademark. Further, the Respondent deliberately used the disputed domain name for its own monetary gain instead of for bona fide offering of goods or services. The Respondent is also not commonly known by the term "tradu".

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. There is no plausible reason for the Respondent's registration of the disputed domain name one day after the public announcement of the Complainant's TRADU brand, other than that the Respondent was engaging in opportunistic bad faith. The Respondent has engaged in a scheme of targeting the TRADU mark through typo squatting, and attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's TRADU trademark. It is also noted that the Respondent has been found to have registered and used other domain names in bad faith in some prior UDRP decisions.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary Issue: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website content hosted on the disputed domain name is entirely in English, that the disputed domain name is composed of Latin characters, rather than Chinese, and that the Complainant's representatives are based in the United Kingdom and requiring a translation would result in the incurrance of additional expense and unnecessary delay.

The Respondent did not comment on the Complainant's request for the language of the proceeding be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **6.2 Substantive Issues**

### **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.

The entirety of the mark is reproduced within 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.

A gTLD extension (".com") is added to the disputed domain name. However, as a standard requirement of domain name registration, the gTLD may be disregarded in the comparison between the disputed domain name and the Complainant's trademark. Accordingly, ".com" is disregarded for the present purpose. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other letter(s), here, "www", may bear on assessment of the second and third elements, the Panel finds the addition of these letters does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Panel notes that the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. As submitted by the Complainant, and as the Panel also observes, the disputed domain name directs Internet users to other websites, including a trading platform apparently in competition with the Complainant's business offering. The Panel does not find this a use in connection with bona fide offering of goods or services, nor is it a legitimate noncommercial or fair use.

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.

"Tradu" is a coined term and it does not correspond to a dictionary term. Coupled with the fact that the Respondent registered the disputed domain name after the registration of the Complainant's trademarks, and only one day after the public announcement of the Complainant's TRADU brand, the Panel is prepared to infer that the Respondent knew, or should have known, that its registration would be identical or confusingly similar to the Complainant's TRADU mark. [WIPO Overview 3.0](#), sections 3.2.2 and 3.2.3.

The Panel also notes that the website to which the disputed domain name resolves displays what appears to be Pay-Per-Click links which relate to the Complainant's business offering and which direct Internet users to competing online trading platforms. This shows an intentional attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's TRADU trademark.

Further, the Panel notes that the Respondent has been involved in other proceedings under the UDRP, in which the panels found the Respondent's bad faith in registering the domain names. See *Pluxee International v. 钱梦聃 (Meng Dan Qian)*, WIPO Case No. [D2024-0368](#); *Walgreen Co. v. 钱梦聃 (Meng Dan Qian)*, WIPO Case No. [D2023-1193](#); *Signify Health, LLC v. 钱梦聃 (Meng Dan Qian)*, WIPO Case No. [D2023-4713](#); and *Asurion, LLC v. 钱梦聃 (Meng Dan Qian)*, WIPO Case No. [D2023-1070](#). Therefore, the Panel finds that the Respondent has engaged in a pattern of bad faith conduct according to paragraph 4(b)(ii) 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 <wwwtradu.com> be transferred to the Complainant.

/Andrew Sim/

**Andrew Sim**

Sole Panelist

Date: June 11, 2024