

## ADMINISTRATIVE PANEL DECISION

KOSO Kent Introl Limited v. 朱经理 (Zhu Jing Li), 肯特流体控制(深圳)有限公司 (Ken Te Liu Ti Kong Zhi Shen Zhen You Xian Gong Si)  
Case No. D2024-3704

### 1. The Parties

The Complainant is KOSO Kent Introl Limited, United Kingdom, represented by Murgitroyd & Company, United Kingdom.

The Respondent is 朱经理 (Zhu Jing Li), 肯特流体控制(深圳)有限公司 (Ken Te Liu Ti Kong Zhi Shen Zhen You Xian Gong Si), China, internally represented.

### 2. The Domain Names and Registrar

The disputed domain name <kosokent.com> is registered with Cloud Yuqu LLC, and the disputed domain name <kosokentintrol.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (collectively, the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on September 12, 2024. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 13, 2024, 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 (Redacted) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint. Later the same day, the Complainant filed an amended Complaint in English.

On September 13, 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 September 13, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

On September 16, 2024, the Respondent filed a Response in Chinese and English.

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 Chinese and English of the Complaint, and the proceedings commenced on September 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2024. On September 19, 2024, the Respondent confirmed that its Response dated September 16, 2024 may be regarded as its complete Response. Accordingly, the Center notified the commencement of the Panel appointment process on September 19, 2024.

The Center appointed Matthew Kennedy as the sole panelist in this matter on September 23, 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.

On September 25, 2024, the Respondent sent an email communication to the Center in Chinese and English, attaching a further copy of its Response.

On October 2, 2024, the Complainant submitted a supplemental filing.

#### **4. Factual Background**

The Complainant manufactures industrial valves under the KENT INTROL brand. That brand derives from the name of the George Kent Group, which acquired Introl Limited in 1971. The business was later acquired by Nihon KOSO Co. Ltd, which established the Complainant as KOSO Kent Introl Limited in 2005. The Complainant owns multiple trademark registrations, including the following:

- United Kingdom trademark registration number UK00002512978 for KENT INTROL, registered on August 28, 2009, specifying valves and other goods and services in classes 7, 9, 37, and 42;
- United Kingdom trademark registration number UK00002512979 for KOSO KENT INTROL, registered on September 11, 2009, specifying valves and other goods and services in classes 7, 9, 37, and 42;
- United Kingdom trademark registration number UK00002512981 for KKI, registered on July 17, 2009, specifying valves and other goods and services in classes 7, 9, 37, and 42; and
- International trademark registration number 1024849 for KENT INTROL, registered on September 22, 2009, designating multiple jurisdictions, including China, specifying valves and other goods and services in classes 7, 9, and 37.

The above trademark registrations are current. The Complainant operates a website in connection with the domain name <kentintrol.com> that provides information about the Complainant, the KOSO group, and the KENT INTROL brand of products.

The Respondent is a Chinese company and its director who is identified only by his surname, Zhu. The company name may be translated as “Kente Fluid Control (Shenzhen) Co., Ltd”. Its contact street address in the Registrar’s Whols database is incomplete or false as it is a combination of the city of Wuxi, China and a district in Shanghai, China. The company was established on May 11, 2023, and its sole shareholder is Kentintrol Valve Group Co. Ltd.<sup>1</sup> The Respondent owns the following trademark registrations:

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<sup>1</sup>The Panel notes its general powers articulated inter alia in paragraphs 10 and 12 of the Rules and has verified the registration details of the Respondent in the Chinese National Enterprise Credit Information Publicity System database (<https://www.gsxt.gov.cn>), which is a matter of public record. The Panel considers this process of verification useful in assessing the case merits and reaching a decision. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.8.

- Chinese trademark registration number 65263005 for KENTINTROL, registered on November 28, 2022 (applied for on June 13, 2022), specifying goods in class 11;
- Chinese trademark registrations numbers 65881667, 65881700, and 65865590, all for KOSOKENT, registered on December 28, 2022, December 28, 2022, and January 7, 2023, respectively (all applied for on July 11, 2022), specifying goods in classes 9, 6, and 7, respectively; and
- Chinese trademark registration number 65882550 for KKI, registered on February 7, 2023 (applied for on July 11, 2022), specifying goods in class 7.

The Respondent acquired the above trademark registrations by assignment recorded on October 20, 2023 from a company named 永保阀门有限公司, which may be translated as “Yongbao Valve Co., Ltd”. The above trademark registrations were each subject to an invalidation proceeding in 2024. The trademark registrations remain current.

The disputed domain names were both registered on May 18, 2023.

The disputed domain name <kosokent.com> resolves to a website predominantly in English promoting valves for industrial purposes. The Respondent’s company name appears in Chinese in the page header. The product series are branded “KOSO Kent” and “KKI”, which the website describes as “two major series of Kent Corporation in the UK”. The website presents the producer variously as Kentintrol Valve Group Co. Ltd, Kenttrol Valve Group Co. Ltd, Kentitrol, Kent Valve, Kent Valve Company, and Kent Control Company, founded in the United Kingdom. The website prominently displays a KKI® trademark on each page.

The Complainant presented evidence that the disputed domain name <kosokentintrol.com> does not resolve to an active website. However, at the time of this Decision, this disputed domain name resolves to the same website as the disputed domain name <kosokent.com>.

According to evidence presented by the Complainant, a company named Kentintrol Valve Group Co. Ltd was incorporated in the United Kingdom on March 17, 2023. Its sole shareholder is Zhixiong Zhu of China.

## **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 names.

Notably, the Complainant contends that the disputed domain names consist of its trademarks or similar variations of its trademarks. The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Complainant has no business or other relationship with the Respondent. The Complainant has not consented to the registration or use of the disputed domain names by the Respondent. The disputed domain names were registered and are being used in bad faith.

### **B. Respondent**

The Respondent submits that it has obtained trademark registrations in China that correspond to both disputed domain names. The disputed domain name <kosokentintrol.com> merges the trademarks KOSOKENT and KENTINTROL. According to Chinese law, a domain name application can be based on a trademark for which an application has been filed. There is no bad faith.

The Respondent also submits that the Complainant formerly attempted to acquire the Respondent’s trademarks through an intermediary company, but the Respondent refused to sell. Therefore, the Complainant sought to invalidate the Respondent’s trademarks by other means. The Complainant also filed the Complaint to burden the Respondent and cause it to back down.

## **6. Discussion and Findings**

### **6.1 Procedural Issues**

#### **A. 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the website associated with the disputed domain name <kosokent.com> is predominantly in English, which suggests that the Respondent is conversant in that language. The website also suggests that it is being operated on behalf of Kentintrol Valve Group Co. Ltd, which is a British company. If the Complaint had to be translated into Chinese, this would cause significant costs for the Complainant.

The Response was filed in Chinese and English, annexing Chinese trademark registration certificates without translation. The Respondent did not make any submission with respect to the language of the proceeding.

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 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. However, the Panel will accept the Chinese trademark registration certificates as filed in their original language, without translation.

#### **B. Unsolicited Supplementary Email Communications**

On September 25, 2024, after the appointment of the Panel, the Respondent sent an unsolicited email communication from [...]@kentvalve.com to the Center in Chinese and English. The email communication reiterates arguments that have already been made and attaches a copy of the Response that was filed on September 16, 2024. Accordingly, the Panel finds it unnecessary to consider this unsolicited email communication further.

Furthermore, the Complainant submitted a supplemental filing on October 2, 2024, providing copies of invalidation applications that it filed with the China National Intellectual Property Administration ("CNIPA") on July 5 and July 12, 2024 regarding the Respondent's five trademark registrations. The Panel considers that the Complainant could have provided these documents at the time of filing of the Complaint. According to the Response, the Respondent has actual knowledge of those invalidation proceedings. The invalidation proceedings are also displayed on the CNIPA's website. Considering the reasons above, and the fact that these documents do not have any impact on this Decision, the Panel finds it unnecessary to consider the Complainant's supplemental filing further. See the Rules, paragraph 10, and [WIPO Overview 3.0](#), section 4.6.

### **6.2 Substantive Issues**

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements with respect to each disputed domain name:

- (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 of 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**

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

The Complainant has shown rights in respect of the KOSO KENT INTROL trademark, among others, for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name <kosokentintrol.com> wholly incorporates the KOSO KENT INTROL mark. The disputed domain name <kosokent.com> incorporates the first two parts of that mark, omitting the final element "introl", but this does not prevent a finding of confusing similarity because the disputed domain name contains sufficiently recognizable parts of the mark. The only additional element in each disputed domain name is a generic Top-Level Domain ("gTLD") extension (".com") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity or confusing similarity for the purposes of the Policy. Accordingly, the disputed domain name <kosokentintrol.com> is identical, and the disputed domain name <kosokent.com> is confusingly similar, to the Complainant's KOSO KENT INTROL mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

The disputed domain names resolve to a commercial website. The website promotes two product series branded "KOSO Kent" and "KKI" that reproduce in whole or in part marks of the Complainant (i.e., KOSO KENT INTROL and KKI), of goods of a type identical to the Complainant's goods (i.e., valves for industrial purposes). The website presents the producer of the valves as a company named "Kentintrol Valve Group Co. Ltd", "Kent Corporation", or derivatives, which reproduce or misspell another of the Complainant's marks in whole or in part (i.e., KENT INTROL), making repeated references to the same country of origin as the Complainant (i.e., the United Kingdom). The website is predominantly in English. This gives the overall impression that the Respondent is an affiliate of the Complainant and that its products are sourced from, or endorsed by, the Complainant. However, the Complainant submits that it has no business or other relationship with the Respondent and that it has not consented to the registration or use of the disputed domain names by the Respondent. Nor does the Complainant have any relationship to the Kentintrol Valve Group Co. Ltd. These circumstances indicate that the Respondent is not using the disputed domain names

in connection with a bona fide offering of goods or services, nor is it making a legitimate noncommercial or fair use of the disputed domain names.

Further, the Registrar has verified that the Respondent is identified in the Whois database as 朱经理 (Zhu Jing Li), 肯特流体控制(深圳)有限公司 (Ken Te Liu Ti Kong Zhi Shen Zhen You Xian Gong Si), which may be translated as “Director Zhu, Kente Fluid Control (Shenzhen) Co., Ltd”. The Respondent’s email username alias in its communications with the Center is 吃饭大王, which may be translated as the “Eating King”. None of these names corresponds to the disputed domain names. Although the Respondent’s website refers to an alleged producer by various names, including Kentintrol Valve Group Co. Ltd, that company is the sole shareholder of the Respondent and there is no evidence regarding it other than its certificate of incorporation. These circumstances do not indicate that the Respondent is commonly known by the disputed domain name for the purposes of the Policy.

In summary, the Panel considers that the Complainant has made a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Turning to the Respondent’s arguments, it relies on its trademark registrations for KOSO KENT, KENTINTROL and KKI. The mark KOSO KENT is identical to the disputed domain name <kosokent.com>. None of the Respondent’s marks is identical to the disputed domain name <kosokentintrol.com>, although the marks KOSOKENT and KENTINTROL are reproduced in it in an overlapping manner. The Panel will assume arguendo that the Respondent owns trademarks that correspond to both disputed domain names.

The Panel recalls that a respondent’s prior registration of a trademark that corresponds to a domain name will ordinarily support a finding of rights or legitimate interests in that domain name for purposes of the second element. See [WIPO Overview 3.0](#), section 2.12.1. Nevertheless, a respondent’s trademark is not an absolute bar to the success of a complaint where the overall circumstances demonstrate that its trademark was obtained primarily to circumvent the application of the UDRP or otherwise prevent the complainant’s exercise of its rights. See [WIPO Overview 3.0](#), section 2.12.2.

In the present case, the Respondent’s trademarks were registered years after the registration of the Complainant’s marks including (in the case of KENT INTROL) in China, where the Respondent is based, and (in the case of all marks) in the United Kingdom, where the alleged producer presented on the Respondent’s website was incorporated. The Respondent’s marks reproduce all three of the Complainant’s marks in whole or in part, and the Respondent’s website uses them in connection with goods of a type identical to the Complainant’s. The Respondent offers no explanation for its choice of these trademarks. Given the content of the Respondent’s website (discussed above), the clear inference is that its trademarks were copied from the Complainant’s marks in whole or in part.

The Respondent’s trademarks were each registered by a third party several months before the Respondent’s incorporation in May 2023. The Respondent’s company name begins with two characters that were evidently chosen as a transcription of “Kent”, which is an element in two of the Complainant’s trademarks and its company name. The Respondent registered the disputed domain names as soon as it was incorporated and acquired the trademarks not long thereafter. The Respondent presents no evidence that it has any operations. The only evidence of use of its trademarks is found in screenshots of the website associated with the disputed domain names, which were presented by the Complainant. Further, the Respondent’s website indicates that its goods are produced by Kentintrol Valve Group Co. Ltd of the United Kingdom which has two major series branded “KOSO Kent” and “KKI”. That company was incorporated in March 2023, two months before the Respondent, and there is no evidence that it has any operations nor that it owns these brands; on the contrary, the Respondent claims that it owns these trademarks itself.

In the Panel’s view, the most likely explanation of this evidence is that the Respondent was created as a vehicle to hold rights in the disputed domain names and corresponding trademarks to shield the operation of a website that is intended to create confusion with the Complainant, its marks, and its products, for commercial gain. The overall circumstances demonstrate that the Respondent obtained its trademarks primarily to circumvent the application of the UDRP or otherwise prevent the Complainant’s exercise of its

rights, at least in China. For the above reasons, the Panel finds that the Respondent has failed to rebut the Complainant's prima facie case.

Based on the 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 name in bad faith. The fourth circumstance is as follows:

“(iv) 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] web site or location.”

In the present case, the disputed domain names were registered in 2023, years after the registration of the Complainant's KOSO KENT INTROL trademark. That mark is not composed of dictionary terms or a dictionary phrase yet the disputed domain name <kosokentintrol.com> is identical to it and the disputed domain name <kosokent.com> is confusingly similar to it. The Respondent's website associated with the disputed domain names uses all three of the Complainant's trademarks in whole or in part, in connection with goods of a type identical to the Complainant's (i.e., valves for industrial purposes). Given the findings in Section 6.2B above, these circumstances give the Panel reason to find that the Respondent targeted the Complainant's marks when it registered the disputed domain names.

As regards use, the disputed domain names resolve to a website commercially promoting valves for industrial purposes. Given the findings in Section 6.2B above, the Panel considers that these circumstances fall within the terms of paragraph 4(b)(iv) of the Policy.

The Panel notes the Complainant's contention that the disputed domain name <kosokentintrol.com> did not resolve to an active website at the time when the Complaint was filed. While both disputed domain names currently resolve to the same website, the Panel notes that prior panels under the UDRP have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the similarity of the disputed domain names, as well as their composition. The Panel also takes note that the Respondent has provided incomplete or false contact details when registering the disputed domain names, as discussed in Section 4 above. Accordingly, the Panel finds that in the circumstances of this case passive holding of the disputed domain names would not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy.

### **D. Reverse Domain Name Hijacking**

The Respondent alleges that the Complainant formerly attempted to acquire the Respondent's trademarks through an intermediary company but the Respondent refused to sell. However, this allegation is wholly unsubstantiated.

The Respondent also submits that the Complainant sought to invalidate the Respondent's trademarks and filed this Complaint to burden the Respondent and cause it to back down. However, regardless of any invalidation proceeding, the Panel does not consider that the Complaint was filed for any improper purpose; on the contrary, the Panel has upheld the Complaint.

## 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 <kosokent.com> and <kosokentintrol.com> be transferred to the Complainant.

*/Matthew Kennedy/*

**Matthew Kennedy**

Sole Panelist

Date: October 3, 2024