

ADMINISTRATIVE PANEL DECISION

AJE IPCO PTY LTD v. xing guanghai

Case No. D2024-4003

1. The Parties

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

The Respondent is xing guanghai, China.

2. The Domain Name and Registrar

The disputed domain name <ajeworlds.shop> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 30, 2024. On September 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 1, 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 (P.D.R Solutions (U.S) LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 1, 2024, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on the same day.

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 October 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2024. Upon this, the Center received an informal email communication from a third party on October 25, 2024.

The Center appointed Kaya Köklü as the sole panelist in this matter on October 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.

On November 9, 2024, the Panel issued an Administrative Panel Order No.1 offering to the Complainant to amend its Complaint as regards to the Registrar information and the Mutual Jurisdiction section. Upon this, the Center received an informal email communication from a third party on November 12, 2024.

On November 13, 2024, the Complainant submitted an email to the Center in response to the Order and confirmed the amendment of the Complaint as regards the Registrar information and the Mutual Jurisdiction section.

4. Factual Background

The Complainant is a fashion company with its registered seat in Australia. It particularly offers women's clothing and fashion goods internationally.

The Complainant is the owner of the AJE trademark. Among others, the Complainant is the registered owner of the Australian Trademark Registration No. 1919170, registered on April 11, 2018, for AJE, and the International Trademark Registration No. 1420499, registered on July 11, 2018, for AJE, designating the European Union, United Kingdom and the United States of America. Both registrations cover protection for various retail related goods and services, particularly men's and women's clothing as protected in class 25.

The Complainant further operates its main websites at "www.ajeworld.com" and "www.ajeworld.com.au".

The Respondent is reportedly located in China.

The disputed domain name was registered on August 26, 2024.

According to the case record, the disputed domain name resolves to a website purportedly offering women's clothing, particularly dresses, to low prices.

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.

B. Respondent

The Respondent did not reply to the Complainant's contentions. The Center merely received email communications from a third party on October 25, 2024 and November 12, 2024, indicating that the disputed domain name has been "processed", but – even upon request of the Center - without clarifying its relationship to the Respondent or demonstrating any legitimacy in the context of the administrative proceeding, and indicating that "As for the domain name "ajeworlds.shop", we have already dealt with it. Please check the details again.", still not clarifying its relationship to the Respondent.

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistent with the consensus views stated therein.

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 the AJE trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the AJE mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the AJE mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "worlds" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the AJE 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. In the absence of a formal response, the Respondent has particularly failed to demonstrate any of the other non-exclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or other evidence of rights or legitimate interests in the disputed domain name.

Even more, the Panel particularly notes the nature of the disputed domain name, which comprises the Complainant's AJE trademark in its entirety and also is confusingly similar to the Complainant's official domain names as used for its main websites. Furthermore, the allegedly offered products (mainly women's clothing) are competing with the products offered by the Complainant under its AJE trademark. In view of the Panel, all this clearly indicates the Respondent's awareness of the Complainant and its AJE trademark and its illicit intent to take unfair advantage of it for commercial gain, which does not support a finding of any rights or legitimate interests.

In addition, Panels have held that the use of a domain name for illegal activity, here impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

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 Respondent must have had the Complainant and its AJE trademark in mind when registering the disputed domain name. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain name, which comprises the Complainant's AJE trademark in its entirety, to target the Complainant and its clothing for women. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

With respect to the use of the disputed domain name in bad faith, the Panel finds that the Respondent is using the disputed domain name in order to generate traffic to its own website by misleading third parties in a false belief that the website associated to the disputed domain name is operated or at least authorized by the Complainant. Particularly, the inherently misleading nature of the disputed domain name and the offering of competing products for sale, is in view of the Panel evidence of the Respondent's bad faith intent to target the Complainant and its products for illegitimate commercial gain by deliberately creating a likelihood of confusion with the Complainant's AJE trademark.

Further, Panels have held that the use of a domain name for illegitimate activity, here impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <ajeworlds.shop> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: November 16, 2024