

ADMINISTRATIVE PANEL DECISION

Ant Group Co., Ltd., Advanced New Technologies Co., Ltd. v. Domain Admin Case No. D2024-4739

1. The Parties

The Complainants are Ant Group Co., Ltd., China (“1st Complainant”) and Advanced New Technologies Co., Ltd., Cayman Islands (“2nd Complainant”), represented by ELLALAN, China.

The Respondent is Domain Admin, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <alipayvoyager.com> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2024. On November 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 19, 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 (The Owner of the Disputed Domain Name / The Identity of the Owner is not disclosed by the relevant Registrar on WHOIS database) and contact information in the Complaint. The Center sent an email communication to the Complainants on November 22, 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 on November 27, 2024.

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 December 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2024.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on December 30, 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 1st Complainant's business was first launched in Hong Kong and internationally on or about October 16, 2014 following the acquisition of the "Alipay" digital payment platform business. Alipay was established in Mainland China in or about February 2004 by Alibaba Group Holding Limited. It provides payment processing and escrow services for the Alibaba online and mobile marketplaces in more than 200 countries and regions. It partners with more than 250 financial institutions including leading banks and credit/debit card providers in China and internationally. Together with local e-wallet partners, Alipay serves over 1.2 billion annual active users in more than 55 countries and regions providing payment solutions for hundreds of thousands of third-party merchants, covering goods and services in a wide range of industries. As of June 30, 2020, during a 12-month period, the total payment transaction volume completed through Alipay platform reached RMB 118 trillion, and the total cross-border payment transaction volume completed through Alipay platform reached RMB 621.9 billion.

The 2nd Complainant, an affiliate of the 1st Complainant, was and is established to apply for, hold and manage an international portfolio of registered trademarks, including several trademarks for "Alipay" ("ALIPAY trademark"), including:

- United States Trademark Registration No. 6344323, registered on May 11, 2021;
- European Union Trademark Registration No. 008513475, registered on February 1, 2010; and
- China Trademark Registration No. 4580580, registered on October 14, 2008.

The 1st Complainant is and was at all material times an exclusive licensee of the ALIPAY trademark.

The 1st Complainant submits to be also the owner of domain names including the ALIPAY trademark, such as the domain name <alipay.com>, registered on October 8, 2004.

The disputed domain name was registered on August 21, 2024. At the time of decision and when the Complaint was filed, the disputed domain name resolved to a parked webpage, where the disputed domain name was offered 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.

On the first element of the Policy, the Complainants claim that the disputed domain name is confusingly similar to the ALIPAY trademark. The ALIPAY trademark is incorporated in the disputed domain name in its entirety. Further, the term "alipay" is particularly recognizable as the prefix of the disputed domain name because the beginning part of a domain name is usually the most prominent, and the other word component "voyager" is a generic and dictionary term. The addition of the term "voyager" does not constitute a distinctive element which avoids confusing similarity because the term "alipay", which is identical to the ALIPAY trademark, is prominently and clearly recognizable in the disputed domain name, and the term "voyager" is a common, generic and descriptive English word with the dictionary meaning of "a person who

goes on a long and sometimes dangerous journey”. The additional component “voyager” is insufficient to distinguish the disputed domain name from the ALIPAY trademark. Further, given the international nature of the Complainants' business, particularly when “Alipay+” is frequently used when consumers travel due to its strong international outreach and payment convenience, the term “voyager” will likely increase the level of confusion on the association between the disputed domain name and the Complainants. The general public will easily be confused that the disputed domain name is from, is related to or associated with, the Complainants' business and/or services, when they are not.

On the second element of the Policy, the Complainants contend that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainants have never authorized or permitted the Respondent or any third party to use the ALIPAY trademark or register any domain names which consist of any of the ALIPAY trademark. Besides, when searching “alipayvoyager” on Google, the search results refer solely to the Complainants' business and services, with no reference to any third-party entities. Further, a search of the Global Trademark Database at WIPO does not reveal any registered trademarks of the Respondent corresponding to the disputed domain name.

On the third element of the Policy, the Complainants assert that the Respondent has registered and used the disputed domain name in bad faith. The Respondent registered and has all along been using the disputed domain name to exploit the ALIPAY trademark for personal gain through resale of the same. As of the date of this Complaint, the disputed domain name is directed to a website which puts the disputed domain name on sale at a price of USD 2,850, which is much higher than the registration cost. By searching the disputed domain name on Wayback Machine (web.archive.org), as of August 23, 2024, i.e. only two days after the registration of the disputed domain name, the website was by then directed to another domain name, further showing that the registration of the disputed domain name was primarily for reselling in excess of the Respondent's out-of-pocket expenses for the registration of the disputed domain name. Considering the distinctiveness and global reputation of “Alipay”, the Respondent must have known or ought to have had knowledge of the ALIPAY trademark and the Complainants' prior rights in relation to “Alipay”. Further, the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith. By creating a likelihood of confusion of the ALIPAY trademark, the Respondent is clearly riding on the significant reputation and goodwill enjoyed by the Complainants and the ALIPAY trademark to attract or divert Internet traffic. The Complainants also submit that the use of privacy and proxy registration services shall be taken into account. If the Respondent uses the privacy or proxy service and provides false or invalid contact information, it should be deemed as bad faith, unless the Respondent files a response to properly refute with sufficient supporting evidence. The disputed domain name is currently not put into use. A non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Bad faith is apparent in this case, as the Wayback Machine search does not reveal any use of the disputed domain name at all, other than putting it on sale.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made “on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true. See section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

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

While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements. [WIPO Overview 3.0](#), section 1.8.

The applicable Top-Level Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

The Complainants have 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 ALIPAY trademark is reproduced within the disputed domain name and the Panel finds the mark is recognizable within the disputed domain name. The disputed domain name differs from the ALIPAY trademark by the addition of the descriptive term "voyager", which does not prevent a finding of confusing similarity.

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.

The Complainants have not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the ALIPAY trademark. The Panel finds on the record that there are no indications that the Respondent is commonly known by the disputed domain name or otherwise has any rights to or legitimate interests in the disputed domain name. Further, there are no evident preparations for the use of the disputed domain name for a bona fide offering of goods or services. Rather, the disputed domain name resolves to a parked webpage, where the disputed domain name is offered for sale.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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 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.

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. [WIPO Overview 3.0](#), section 3.3.

Furthermore, according to paragraph 4(b)(i) of the Policy, the registration of a domain name for the purpose of selling to a complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name is evidence of registration and use in bad faith.

Considering the public presence of the Complainants, it is unlikely that the Respondent had no knowledge of the ALIPAY trademark. The incorporation of the ALIPAY trademark within the disputed domain name, with the addition of the descriptive term "voyager", demonstrates the Respondent's actual awareness of the Complainants and intent to target the Complainants.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the ALIPAY trademark, the composition of the disputed domain name, the Respondent's failure to submit a response as well as the fact that the disputed domain name resolves to a parked webpage, where the disputed domain name is offered for sale and finds that in the circumstances of this case the non-use of the disputed domain name does not prevent a finding of bad faith under the Policy. Rather, the Respondent's intention to sell the disputed domain name indicates bad faith.

The Panel finds that the Complainants have 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 <alipayvoyager.com> be transferred to the Complainants.

/Christian Gassauer-Fleissner/

Christian Gassauer-Fleissner

Sole Panelist

Date: January 13, 2025