

## **ADMINISTRATIVE PANEL DECISION**

Shenzhen Baseus Technology Co. Ltd v. Light arose  
Case No. DAU2024-0007

### **1. The Parties**

The Complainant is Shenzhen Baseus Technology Co. Ltd, China, represented by Beijing Chofn Intellectual Property Agency Co. Ltd, China.

The Respondent is Light arose, Sri Lanka.

### **2. The Domain Name and Registrar**

The disputed domain name <baseus.com.au> is registered with GoDaddy.com, LLC.

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 15, 2024. On March 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Harshan Grero) 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 day.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 25, 2024. In accordance with the Rules, paragraph 5(a), 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 15, 2024.

The Center appointed Robert Walters as the sole panelist in this matter on April 17, 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 Shenzhen Baseus Technology Co. Ltd., is a registered entity in Shenzhen China, operating globally throughout Asia, Australia, Europe, North and South America amongst others, specialising in wireless chargers for mobile phones, power banks, tablets, computers, automotive cables, and other related electronic devices. Shenzhen Times Innovation Technology was founded in 2011, establishing itself throughout Asia as a digital accessories brand, and later established Shenzhen Baseus Technology Co. Ltd., in 2019.

The Complainant has registered multiple trademarks including:

BASEUS, Intellectual Property Australia registration that took effect on July 18, 2018, under No. 1893826, for class 9, and is due for renewal on December 12, 2027.

BASEUS, Intellectual Property Australia registration that took effect on July 18, 2018 under No. 1893827, for class 35, and due for renewal on December 12, 2027.

BASEUS, Intellectual Property Australia registration that took effect on June 28, 2021, under No. 2136663, for classes 7, 11, 12, and due for renewal on November 18, 2030.

These trademarks had been transferred to the Complainant from its affiliated company Shenzhen Times Innovation Technology Co., Ltd.

BASEUS, European Union Intellectual Property Office registration that took effect on June 7, 2018, No. 017656001, for classes 9 and 35.

The disputed domain name was registered on August 17, 2017, and it resolves to a website prominently using the Complainant's trademarks and logo and purportedly offering the Complainant's goods for sale.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the disputed domain name is identical or confusingly similar to the trademark or service mark, as per the requirements of the Policy, paragraph 4(a)(i), and the Rules, paragraphs 3(b)(viii), (b)(ix)(1).

The Respondent has no rights or legitimate interests in respect of the disputed domain name, as per the requirements of the Policy, paragraph 4(a)(ii), and the Rules, paragraph 3(b)(ix)(2).

The disputed domain name has been registered and subsequently used in bad faith, as per the requirements of the Policy, paragraphs 4(a)(iii) and 4(b), and the Rules, paragraph 3(b)(ix)(3).

The Complainant operates the website at "www.baseus.com" registered on March 6, 2011.

##### **B. Respondent**

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

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Complainant has proven trademark rights in BASEUS by way of registrations. auDA Overview of Panel Views on Selected auDRP Questions First Edition (“auDRP Overview 2.0”), section 1.2.

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. auDRP Overview 2.0, section 1.7.

The disputed domain name is identical to the trademark BASEUS.

The Complainant has not licensed or otherwise consented to the Respondent’s use of the trademark Baseus in connection with the disputed domain name <baseus.com.au>, which is identical or confusingly similar to the Complainant’s trademark. The similarities extend to the trade mark, with the only difference being the use of a capital B, whereas the disputed domain name uses a lowercase b. Also, prior panels have repeatedly held that disputed domain names are identical or confusing similar to the Complainant’s trademark where they incorporate the entirety of the Complainant’s trademark. See *Compagnie Générale des Etablissements Michelin v. Shuitu Chen*, WIPO Case No. [D2016-1924](#); *Compagnie Générale des Etablissements Michelin v. Isaac Goldstein, Hulmiho Ukolen, Poste restante/Domain Admin, Whois protection, this company does not own this domain name s.r.o.*, WIPO Case No. [D2015-1787](#); *Compagnie Générale des Etablissements Michelin v. Oncu, Ibrahim Gonullu*, WIPO Case No. [D2014-1240](#).

In support of these determinations, a domain name that incorporates a trademark in its entirety will be considered identical or confusingly similar to the trademark. See *L’Oréal, Lancôme Parfums Et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#); *RapidShare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin*, WIPO Case No. [D2010-1059](#); and *The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.*, WIPO Case No. [D2000-0113](#).

The difference between the disputed domain name and the trademark is the addition of the country code top-level domain (ccTLD) suffix “.com.au”. It is standard practice to disregard the ccTLD suffix under the confusing similarity test, except where the applicable ccTLD suffix may itself form part of the relevant trademark, which is not the case here. Accordingly, and while the content of a website is generally disregarded, it can be relevant where the assessment affirms an intent to create confusion. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.15.

The Panel determines, based on the foregoing, that the disputed domain name is identical to the Complainant’s trademark according to the Policy, paragraph 4(a)(i).

### B. Rights or Legitimate Interests

The Complainant has not licensed or otherwise consented to the Respondent’s use of its trademark in connection with the disputed domain name, which is identical to the Complainant’s trademark.

The Respondent has not submitted any evidence indicating that the Respondent is the owner of any trademark rights, and there is no evidence in the case file indicating that the Respondent is making a legitimate, non-commercial or fair use of the disputed domain name without intent for commercial gain that can divert consumers or to tarnish the Complainant’s trademark.

There is no evidence that the Respondent has any rights or legitimate interests in the disputed domain name.

The disputed domain name directs Internet users to an active website prominently using the Complainant’s trademark and logo, and purportedly offering the Complainant’s goods for sale, without any clear disclaimer

regarding the lack of its relationship with the Complainant. On the contrary, such use and the nature of the disputed domain name (identical to the Complainant's trademark) carry a high risk of implied affiliation with the Complainant. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#), section 2.5.1.)

The Respondent has not provided any evidence that demonstrates the disputed domain name, and subsequent website, is not used for any other purpose other than to provide consumers with bona fide offerings of goods or services. The Complainant confirms that it did not extend any rights to the Respondent to use the Complainant's trademark, in a domain name or otherwise.

Based on the evidence provided and lack of response by the Respondent, the Complainant has put forward a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which have not been rebutted by the Respondent. [WIPO Overview 3.0](#), section 2.1.

Accordingly, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name, and the Complainant meets the requirement under the Policy, paragraph 4(a)(ii).

### **C. Registered or Subsequently Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy requires the Complainant to prove that the Respondent registered or used the disputed domain name in bad faith. Paragraph 4(b) of the Policy sets out four illustrative circumstances of the registration and use of a domain name in bad faith.

Bad faith registration is ordinarily determined when the respondent "knew or should have known" of the complainant's trademark rights who also had a worldwide reputation and presence online, and nevertheless, registered a domain name. See *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#). *Hertz Systems Inc. v. Throne Ventures Pty. Ltd.*, WIPO Case No. [DAU2009-0013](#).

Based on the lack of reply from the Respondent, it is more likely than not that the Respondent was aware of the Complainant's rights and interests on registering the disputed domain name in August 2017. First, the Complainant is well known in Australia, Asia, Europe and globally. From inception, the Complainant had experienced rapid growth in online and in-shop sales from promotional activities. It is unlikely that the Respondent was unaware of the Complainant's trademark and reputation as an international entity.

Second, it is affirmed that the content of the Respondent's website is highly similar to that of the Complainant's, and the act of choosing to apply for an identical domain name was undertaken with an intent to cause confusion. Prior panels have found that knowledge, actual or inferred, is evidence of registration in bad faith. See *Caesars World, Inc. v. Forum LLC.*, WIPO Case No. [D2005-0517](#) ("[T]he Complainant's worldwide reputation, and presence on the Internet, indicates that Respondent was or should have been aware of the marks prior to registering the Disputed Domain Name").

Third, the disputed domain name is identical to the Complainant's trademark. Even if the Respondent had no connection to the industry in which the Complainant is engaged, in this case the Respondent does have a connection to the Complainant's industry, the disputed domain name and its subsequent registration constitutes evidence, albeit not conclusive, of opportunistic bad faith. See *Lancome Perfumes Et Beaute & CIE, L'OREAL v. 10 Selling*, WIPO Case No. [D2008-0226](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#); *Sanofi-aventis v. Nevis Domains LLC*, WIPO Case No. [D2006-0303](#).

For all the foregoing reasons, the Panel concludes that the disputed domain name has been registered or subsequently used in bad faith.

## 7. Decision

For all 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 <baseus.com.au> be transferred to the Complainant.

/Robert Walters/

**Robert Walters**

Sole Panelist

Date: April 22, 2024