

## **ADMINISTRATIVE PANEL DECISION**

All Star C.V., and Converse, Inc. v. Bao Zheng, Two Stooges LLC  
Case No. DCO2024-0015

### **1. The Parties**

The Complainants are All Star C.V., and Converse, Inc., United States of America (“United States”), represented by Stobbs IP Limited, United States.

The Respondent is Bao Zheng, Two Stooges LLC, China.

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

The disputed domain name <converse.com.co> is registered with INTERNETX GMBH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2024. On February 22, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 23, 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 (Two Stooges LLC) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 27, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 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 March 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2024.

The Center appointed Dietrich Beier as the sole panelist in this matter on April 5, 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 Complainants are affiliated companies and have legal rights in the CONVERSE Mark and brand. They own numerous trademarks world-wide for CONVERSE dating back to 1969, inter alia the United States Registration No. 2810717 for CONVERSE in class 25 registered on February 3, 2004, which is in effect.

The Complainants have produced and sold shoes for over a century. The Complainants were founded in 1908 in Massachusetts, United States, as a rubber company. They began producing shoes in 1909 and, since that time, the Complainants have developed the CONVERSE brand into a brand selling footwear, apparel, and bags around the world.

The Complainants are the legal owners and controllers of the CONVERSE brand. The Converse brand is known for its “Chuck Taylor All Star” and “One Star” sneakers, which began production over a century ago. In addition, the Complainants’ product offering under the CONVERSE brand extends to other goods, such as clothing and accessories.

In view of the lack of response and initial masking of the publicly-available Whois, nothing is known about the Respondent other than the details disclosed above. The disputed domain name was registered on February 7, 2010. The disputed domain name does not resolve to an active website.

#### 5. Parties’ Contentions

##### A. Complainants

The Complainants contend that the disputed domain name <converse.com.co> is plainly identical to their trademarks since the county-code Top-Level Domain (“ccTLD”) “com.co” must be disregarded.

The Complainants are not affiliated in any way with the Respondent. Neither a license nor an authorization has been granted to the Respondent to make any use of the Complainants’ trademark, or apply for registration of the disputed domain name. Also, the Respondent is not known under the disputed domain name.

Furthermore, the Respondent must have had actual knowledge of the Complainants and their trademark due to its global promotion. The Respondent has also registered other well known domain names which were then transferred to the respective trademark owner including the *eBay Inc., PayPal Inc. v. Bao Zheng, Two Stooges LLC / Ni Hao, Two Stooges LLC*, WIPO Case No. [D2014-1478](#). This pattern of registering domain names incorporating the trade marks of well-known brands is evidence of bad faith. The non active website does - in view of the case of *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) - not prevent the finding of use in bad faith.

##### B. Respondent

The Respondent did not reply to the Complainants’ contentions.

#### 6. Discussion and Findings

The principles governing the question of whether a complaint may be brought by multiple complainants or against multiple respondents are set out in section 4.11 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)).

The Panel is satisfied that the Complainants being both owners of the trademarks (a) have a specific common grievance against the Respondent and that the Respondent has engaged in common conduct that has affected the Complainants in a similar fashion and (b) it would be equitable and procedurally efficient to permit the consolidation.

In order to succeed in its Complaint, the Complainants must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and

(ii) The Respondent has no rights or legitimate interests with respect to 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**

The Complainants have established the fact that they have valid trademark rights for CONVERSE. The disputed domain name is identical to the marks since it is acknowledged that the Top-Level Domain, here “.com.co”, does not have any impact on the similarity of a trademark and a domain name.

The Panel therefore considers the disputed domain name to be identical to the CONVERSE trademarks in which the Complainants have rights in accordance with paragraph 4(a)(i) of the Policy.

#### **B. Rights or Legitimate Interests**

The Respondent has no rights or legitimate interests in the disputed domain name as the Respondent is not a licensee of the Complainants nor have the Complainants granted the Respondent any permission or given their consent to use their trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain names as there is no indication that the Respondent is commonly known by the name “Converse” or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

Accordingly, 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. Given that the disputed domain name is identical to the Complainant’s distinctive trademarks, such composition carries a high risk of implied affiliation to the Complainant, which cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

The Panel finds the second element of the Policy has been established.

#### **C. Registered and Used in Bad Faith**

In the view of the Panel, the Respondent must have been aware of the widely known Complainants and their trademarks when registering the disputed domain name. The Complainants have not authorized the Respondent to make use of its trademarks. From the record, the Panel does not see any conceivable legitimate use being made by the Respondent of the disputed domain name.

The Panel shares the view of several panelists in other prior UDRP proceedings who found that the CONVERSE Mark is distinctive and well-known, among them *All Star C.V. v. Baker Barry, Baker Barry*, WIPO Case No. [D2020-1132](#), as well as *All Star C.V. v. George*, WIPO Case No. [D2018-0414](#).

Furthermore, it is the consensus view of previous UDRP panels following the *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), that even a lack of active use of the domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include, not exhaustive, the complainant having a well-known trademark, no response to the complaint having been filed, and the registrant's concealment of its identity. All of the afore mentioned circumstances are given in the present case.

Furthermore, the Respondent's involvement in several prior UDRP proceedings in which well known domain names were applied by him and then transferred to the legitimate trademark owners show a clear pattern of abusive registrations by the respondent which is an additional strong indication for bad faith. See, for example, *eBay Inc., PayPal Inc., supra.*; *Intesa Sanpaolo S.p.A. v. Ni Hao/Two Stooges LLC*, WIPO Case No. [D2011-1640](#); and, *Research In Motion Limited v. Bao Zheng*, WIPO Case No. [DCO2011-0024](#).

The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) 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, <converse.com.co> be transferred to the Complainants.

*/Dietrich Beier/*

**Dietrich Beier**

Sole Panelist

Date: April 19, 2024