



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2101475</b>
<b>Complainant:</b>	<b>Guanlan Network (Hangzhou) Co., Ltd.</b>
<b>Respondent:</b>	<b>Facebook/ Zuckerberg Mark Elliot</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;i-dxy.com&gt;</b>

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**1. The Parties and Contested Domain Name**

The Complainant is Guanlan Network (Hangzhou) Co., Ltd., of Room 308, Building 1, No.428, Qiuyi Road, Binjiang District, Hangzhou, China.

The Respondent is Facebook / Zuckerberg Mark Elliot, of Washington, United States.

The domain name at issue is <i-dxy.com>, registered by Respondent with Cloudflare, Inc., of 251 West 30th Street, 16th Floor New York, NY 10001, United States.

**2. Procedural History**

On June 4, 2021, pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”) and the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”), the Complainant submitted a complaint in the English language to the Hong Kong Office (“HK Office”) of the ADNDRC (“ADNDRC”). The HK Office sent to the Complainant by email an acknowledgment of the receipt of the complaint and reviewed the format of the complaint for compliance with the Policy, the Rules and the HK Office Supplemental Rules. The HK Office also notified the Registrar of the Complaint by email. The Registrar replied to the HK Office on the same day.

On June 7, 2021, the HK Office informed the Complainant that the information of the Respondent and Registrar in the Complaint were different from the WHOIS information provided by the Registrar.

On June 8, 2021, the Complainant submitted a revised Complaint to the HK Office. On the same day, the HK Office verified that the Complainant satisfied the formal requirements of the Policy and the Rules and notified the Respondent of the Complaint. The due date of the Response was June 28, 2021.

On June 17, 2021, the Complainant submitted a further revised Complaint to the HK Office, for the correction of clerical errors. On the same day, the HK Office confirmed receipt and forwarded the further revised Complaint to the Respondent.

The Respondent did not file a formal Response and on June 29, 2021, the HK Office informed the Respondent of its default. On June 30, 2021, the ADNDRC appointed Francine Tan as the sole panelist in this matter.




### 3. Factual background

The Complainant, Guanlan Networks (Hangzhou) Co., Ltd., states that it was established in 2010. It is a network technology and e-commerce company in the field of healthcare and is the main company established in Hangzhou under the "丁香园" brand. The Complainant's "丁香园" brand has since expanded and is used by its affiliates, Hangzhou Lianke Meixun Biomedical Technology Co., Ltd., Yinchuan Dingxiang Internet Hospital Co., Ltd., Hangzhou Xiaodao Health Management Co., Ltd., Hangzhou Canglang Health Management Co., Ltd., Hangzhou Dingxiang Health Management Co., Ltd., Hangzhou Dingxiang Comprehensive Clinic Co., Ltd., Fuzhou Dingxiang Tiantian Pharmaceutical Retail Co., Ltd. and more than 30 related holding companies.

The Complainant states that its "丁香园" brand originated from the name of its professional medical academic exchange platform known as "Dingxiangyuan Medical", which started around July 23, 2000. The registered members of the Dingxiangyuan platform reached 1 million in 2006 and 3 million in 2010. In June 2012, the Complainant's "Family Medicine" application was launched, primarily providing drug information retrieval to the public and patients.

The Complainant has a valuation of US\$1 billion and is claimed to be a leading medical connector and professional service provider in the digital field in China. It has launched a series of Internet products including "丁香园", "Medicine Assistant", "Dingxiangtong", "Dingxiang Talent", "Dingxiangyun Butler", "Hospital Hui", "Dingxiang Doctor" and "Dingxiang Mom". During the COVID-19 pandemic in 2020, the Complainant's "丁香园·Dingxiang Doctor" took the lead in launching "New Coronavirus Pneumonia Epidemic Real-time Dynamics" to provide the global audience with real-time updates of the global epidemic dynamics data. As of early March 2020, "丁香园·Dingxiang Doctor" had acquired more than 3 billion page views with postings of more than 1,600 articles..

The Complainant is the owner of the trade marks "丁香园" and "DXY" and variations thereof (collectively, "the DXY Marks"), including the following:

- China Trade Mark Registration No. 9669541 for " 丁香园" registered on July 14, 2014;
- China Trade Mark Registration No. 9669660 for " 丁香园" registered on January 21, 2014;
- China Trade Mark Registration No. 9669698 for " 丁香园" registered on January 21, 2014;
- China Trade Mark Registration No. 11496462 for "DXY" registered on February 21, 2014;

- China Trade Mark Registration No. 12157891 for "丁香园" registered on July 28, 2014;
- China Trade Mark Registration No. 15136644 for "丁香园" registered on September 28, 2015;
- China Trade Mark Registration No. 15136645 for "丁香园" registered on November 21, 2015;
- China Trade Mark Registration No. 8723484 for "DXY" registered on October 21, 2011;
- China Trade Mark Registration No. 8723489 for " registered on October 21, 2011; and
- China Trade Mark Registration No. 8723487 for " registered on February 21, 2012.

The disputed domain name was registered on July 14, 2020 and resolves to an active website featuring third-party links which relate to the medical field.

#### 4. Parties' Contentions

##### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the Complainant's DXY Marks as it incorporates "DXY" in its entirety. The letters "dxy" also correspond to the "hanyupinyin" for 丁香园 (i.e. the Chinese characters read as "ding xiang yuan").
- ii. The letter "i" and hyphen "-" have no significance, "dxy", being the primary element in the disputed domain name.
- iii. The disputed domain name easily leads to consumer confusion.
- iv. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent does not have a trademark registration for "DXY". The Complainant has not licensed nor authorized the Respondent's use and registration of any domain name or trade mark consisting of "DXY". The Respondent's name is not known as "DXY" or "丁香园".
- v. The Respondent registered and is using the disputed domain name in bad faith. The Respondent must have been aware of the existence of the Complainant and its DXY Marks at the time of registration of the disputed domain name since the marks were registered many years before the registration of the disputed domain name. The content of the webpage to which the disputed domain name resolved featured one of the projects operated by the Complainant. The links on the Respondent's webpage led Internet users to other medical industry websites. The Respondent did not indicate on the said webpage that it is not related to the Complainant but intentionally created confusion with the Complainant's DXY Marks to "free ride" off the reputation and goodwill of the Complainant.

B. Respondent

The Respondent did not file a Response to the Complaint.

**5. Findings**

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- ii. Respondent has no rights or legitimate interests in respect of the domain name; and
- iii. Respondent's domain name has been registered and is being used in bad faith.

**A) Identical / Confusingly Similar**

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights.

In the present case, the Complainant has provided evidence of its trademark registrations for the DXY trade mark and has therefore established it has rights therein.

As for the effect that the presence of the letter "i" and hyphen in the disputed domain name has on the assessment under paragraph 4(a)(i) of the Policy, it is well established by numerous UDRP Panel decisions that the inclusion of a letter or hyphen does not serve to differentiate a domain name in dispute from a complainant's mark. This is especially the case where the complainant's mark is identifiable and has been incorporated in its entirety. In the present case, the disputed domain name incorporates the Complainant's DXY mark, which is identifiable therein. The inclusion of the generic Top-Level domain, ".com", also does not serve to distinguish the disputed domain name from the Complainant's DXY trade mark as it is but a technical requirement for domain name registrations.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

The first element of paragraph 4(a) the Policy has been satisfied.

**B) Rights and Legitimate Interests**

The Panel finds that the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. The Complainant has provided evidence that it commenced use of, and owned trademark registrations for the DXY mark long before the disputed domain name was registered. The Complainant has also established that it has not licensed or otherwise permitted the Respondent to use the Complainant's DXY Marks.

Once a complainant has demonstrated a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect of the disputed

domain name. (See *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition*, section 2.1.) The Respondent has, however, not submitted a Response in the proceeding, nor has it provided any explanation or evidence to show it has rights or legitimate interests in the disputed domain name. The Respondent has therefore failed to rebut the Complainant's *prima facie* case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The second element of paragraph 4(a) the Policy has been satisfied.

### **C) Bad Faith**

A complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)).

The Complainant has submitted evidence which shows that the Respondent registered the disputed domain name long after the Complainant had used and secured registrations of its DXY mark. The DXY mark is also tied to the Complainant's Chinese mark 丁香园, of which the first letters of its "hanyupinyin" form the letters "DXY". According to the evidence filed by the Complainant, the Complainant has owned registrations for the DXY mark since 2011.

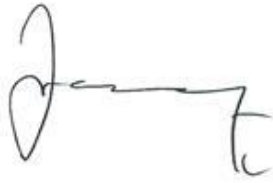
The fact that the webpage to which the disputed domain name resolves features the Complainant's 丁香园 mark and the Chinese equivalent of "Dingxiangyuan Medical", and provides links which are related to third-party medical services does leads to a presumption that the Respondent was aware of the goodwill and reputation associated with the Complainant DXY Marks, and registered the disputed domain name comprising a substantial reproduction of the Complainant's DXY trade mark in bad faith. The Panel is persuaded by the Respondent's apparent absence of rights and legitimate interests in the disputed domain name and the evidence submitted by the Complainant that the Respondent acted with opportunistic bad faith. The Panel also draws a negative inference from the Respondent's failure to respond to the proceedings. The Panel in fact believes that the actual registrant of the disputed domain name has engaged in identity theft.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) the Policy has been satisfied.

## **6. 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 <i-dxy.com> be transferred to the Complainant.



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Francine Tan  
Panelist

Dated: June 30, 2021