Asian Domain Name Dispute Resolution Centre

ADNDRC hong kong

(Hong Kong Office)
ADMINISTRATIVE PANEL DECISION

Case No.	HK-2101568
Complainant:	Alibaba Group Holding Limited
Respondent:	媛媛 郝
Disputed Domain Name:	<aliyun168.com>

1. The Parties and Contested Domain Name

The Complainant is Alibaba Group Holding Limited of 4th Floor, One Capital Place, P.O. Box 847, Grand Cayman, Cayman Islands. The Complainant is represented in these administrative proceedings by Mr. Paddy Tam, CSC Digital Brand Services Group AB, whose address is Drottninggatan 92-94, 111 36 Stockholm, Sweden.

The Respondent is 媛媛 郝, of 河南泌阳 85014, AE, with email address of sese12666@gmail.com.

The domain name at issue is <aliyun168.com>, registered by the Respondent with NameSilo, LLC, of 1300 E. Missouri Ave., Suite A-110, Phoenix AZ 85014, United States.

2. Procedural History

On 29 October 2021, the Complainant submitted a complaint in English to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre ("the ADNDRC-HK") and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy ("the Policy") approved by the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy ("the Rules") and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy ("the ADNDRC Supplemental Rules").

Upon receipt of the complaint, the ADNDRC-HK sent to the Complainant by email an acknowledgement of the receipt of the complaint and reviewed the format of the complaint for compliance with the Policy, the Rules and the ADNDRC Supplemental Rules. On 30 October 2021, upon request by the ADNDRC-HK, the Registrar transmitted by email to the ADNDRC-HK its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

On 1 November 2021, the ADNDRC-HK notified the Complainant that the information of the Respondent in the Complaint was different from the WHOIS information provided by

the Registrar and asked the Complainant to update the information of the Respondent in the Complaint by 6 November 2021.

On 3 November 2021, the Complainant amended the Complaint and its Annexes. Upon receipt of the same, the ADNDRC-HK confirmed that the Complaint was in administrative compliance of the Policy and the Rules. Accordingly, on the same day, the ADNDRC-HK notified the Respondent about the commencement of the proceedings and the due date for the Respondent to file a response, being 23 November 2021.

The Respondent had not filed any response within the stipulated time. On 24 November 2021, the ADNDRC-HK sent out notice noting that no response had been received and the complaint was to be proceeded to a decision by the Panel to be appointed.

On 24 November 2021, the ADNDRC-HK sent to Mr. Gary Soo a notification for the selection of a one-person panel to proceed to render the decision. Having received a declaration of impartiality and independence and a statement of acceptance, the ADNDRC-HK notified the parties, on 25 November 2021, that the Panel in this case had been appointed, with Mr. Gary Soo acting as the sole panelist. On the same day, the Panel received the file by email from the ADNDRC-HK and was requested to render the Decision on or before 9 December 2021.

Language of Proceedings

Pursuant to Paragraph 11 (a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the registration agreement, the language of the administrative proceedings shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceedings.

The language of the current Disputed Domain Name registration agreement is English and, there being no otherwise agreement, the Panel determines English as the language of the proceedings.

3. Factual background

The Complainant

The Complainant in this case is Alibaba Group Holding Limited. The registration address is 4th Floor, One Capital Place, P.O. Box 847, Grand Cayman, Cayman Islands. The Complainant appointed Mr. Paddy Tam, CSC Digital Brand Services Group AB of Drottninggatan 92-94, 111 36 Stockholm, Sweden, as its authorized representative in this matter.

The Respondent

The Respondent, 媛媛 郝, is the current registrant of the Disputed Domain Name <aliyun168.com> according to NameSilo, LLC, of 1300 E. Missouri Ave., Suite A-110, Phoenix AZ 85014, United States. The address of the Respondent from the registration

information is "河南 泌阳 85014, AE". The Respondent's email is sese12666@gmail.com. The Disputed Domain Name was registered on 10 May 2020.

4. Parties' Contentions

A. The Complainant

The Complaint is based on the rights of the Complainant in the trade marks "ALIYUN", "1688" and "1688.com" ("the Complainant's Marks") across many countries and regions, including China. Copies of print-outs of the trade mark certificates and/or official trademark records of the most relevant registrations are provided. The particulars of the said registrations are summarized as follows:

Trade Mark	Jurisdiction / Trademark Office	Reg. No.	Class	Date of Registration
阿里云 aliyun.com	AE	226946	9	2015-07-07
阿里云 aliyun.com	AE	226953	42	2015-07-07
ALIYUN	US / USPTO	5778429	9, 35, 36, 38, 39, 41, 42	2019-06-18
ALIYUN	US / USPTO	4000242	9, 41	2011-07-26
ALIYUN	CN / CNIPA	7669114	9	2011-03-07
ALIYUN	CN / CNIPA	7669163	35	2010-12-28
ALIYUN	EM / EUIPO	008559726	9, 35, 36, 38, 39, 41, 42	2010-03-16
1688.com 1688.com	CN / CNIPA	8035917	41	2011-02-28
1688.com 1688.com	CN / CNIPA	8035737	9	2011-05-14
1688	AE	277472	9	2018-12-20
1688	AE	277473	35	2018-12-20
1688	US / USPTO	5766635	9, 35	2019-06-04
1688	EM / EUIPO	016958605	9, 35	2017-11-27

The Complaint submits and provide documentary records on the followings in relation to the Complainant's Marks:-

(a) Background

The Complainant, Alibaba Group Holding Limited (hereinafter "Alibaba Group" or "阿里巴巴集团"), was founded in Hangzhou, China in 1999. Since then, Alibaba Group has grown to become a global leader in the field of e-commerce and its total revenue has hit USD 15 billion, USD 22 billion and 39 billion for the year ended 31 March 2016, 31 March 2017 and 31 March 2018, respectively. Alibaba Group operates various businesses through its related and affiliated companies, including online business-to-business wholesale marketplaces, namely, www.alibaba.com for global trade and www.1688.com for domestic trade in China; and other online business-to-consumer and consumer-to-consumer platforms, namely, Taobao.com marketplace, AliExpress.com marketplace, 1688.com marketplace and Tmall.com marketplace. It also operates a travel and tourism service, a data and cloud computing service and a logistics data platform. On 19 September 2014, Alibaba officially listed on the New York Stock Exchange (NYSE: BABA), and has set a record for the world's biggest initial public offering with its US 25 billion listing.

(b) The Brand: ALIYUN

Established in 2009, Aliyun (also known as 阿里云 (aliyun.com) in China and Alibaba Cloud (alibabacloud.com) globally) is the digital technology and intelligence backbone of Alibaba Group. It offers a complete suite of cloud services to customers worldwide, including elastic computing, database, storage, network virtualization, large-scale computing, security, management and application, big data analytics and machine learning platform services. The Complainant operates its data and cloud computing services including domain registration services through its subsidiary, Alibaba Cloud Computing (Beijing) Co. Ltd, which is also the registrant of its primary domain names including Aliyun.com and 1688.com. Alibaba Group is China's leading provider of public cloud services by revenue in 2020, including PaaS and IaaS services, according to IDC. Alibaba Group is the world's third leading and Asia Pacific's leading IaaS provider by revenue in 2020 in U.S. dollars, according to Gartner's April 2021 report. According to Similarweb.com, the website at this primary domain name is ranked 42nd most popular website in China and 648th globally. Further, the Complainant's website has received a total of more than 51 million visits in the recent 6-month period between April and September 2021.

(c) The Brand: 1688.COM

Launched in 1999, 1688.com is China's leading integrated domestic wholesale marketplace in 2020 by revenue, according to Analysis. It provides sourcing and online transaction services by connecting manufacturers and wholesale sellers to wholesale buyers in China who typically trade in apparel, accessories, electronics and computers, packing materials, home decoration and furnishing materials, among others. 1688.com is a business of Alibaba Group. According to Similarweb.com, the website at the Complainant's primary domain name <1688.com> is ranked 68th most popular website in China and 862nd globally. Further, the Complainant's website has received a total of more than 36 million visits in the recent 6-month period between April and September 2021.

The Complainant further submits as follows and provides documentary proof for the same:

i. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant have rights.

By virtue of its trademark and service mark registrations as produced, the Complainant is the owner of the ALIYUN and 1688.COM trademarks. See *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0")* at 1.2.1 ("Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.").

It is standard practice when comparing a Disputed Domain Name to the Complainant's trademarks, to not take the extension into account. See *WIPO Jurisprudential Overview 3.0* at 1.11.1 ("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.").

The Respondent's Disputed Domain Name is a combination of the Complainant's ALIYUN trademark and 1688.COM trademark, removing a digit 8 from the 1688.COM trademark. The *WIPO Jurisprudential Overview 3.0* at 1.7 describes the test for determining confusing similarity as "a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name." Additionally, *WIPO Jurisprudential Overview 3.0* at 1.12 states that "[w]here the complainant's trademark is recognizable within the disputed domain name, the addition of other third-party marks (i.e., <mark1+mark2.tld>), is insufficient in itself to avoid a finding of confusing similarity to the complainant's mark under the first element." The Complainant's ALIYUN and 1688.COM trademarks are recognizable within the domain name despite the removal of a digit 8 from the 1688.COM trademark - as such, the resulting Disputed Domain Name must be considered confusingly similar to the Complainant's trademarks. See *Citigroup, Inc., MasterCard Int'l Inc.v. Domain Proxies, LLC*, D2008-0951 (WIPO Aug. 17, 2008) ("Panel finds that each of the trademarks CITI and MASTERCARD is so distinctive that use of the combination CITIMASTERCARD in the disputed domain name is confusingly similar to each of the Complainants' trademarks").

Based on the foregoing, the Disputed Domain Name is clearly confusingly similar to the Complainant's ALIYUN and 1688.COM trademarks.

ii. The Respondent has no rights or legitimate interests in respect of the domain name

The Respondent is not commonly known by the Disputed Domain Name, which evinces a lack of rights or legitimate interests. See *Policy, ¶ 4(c)(ii)*; See also WHOIS data for the Disputed Domain Name. See also *World Natural Bodybuilding Federation, Inc. v. Daniel Jones TheDotCafe*, D2008-

0642 (WIPO June 6, 2008) (finding that a respondent, or his/her organization or business, must have been commonly known by the at-issue domain at the time of registration in order to have a legitimate interest in the domain). Furthermore, the Complainant has not licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant's trademark. "In the absence of any license or permission from the Complainant to use its trademark, no actual or contemplated bona fide or legitimate use of the Disputed Domain Name could reasonably be claimed." See *Sportswear Company S.P.A. v. Tang Hong*, D2014-1875 (WIPO Dec. 10, 2014).

In the instant case, the current WHOIS information identifies the Registrant as "Domain Administrator / See PrivacyGuardian.org" which is a privacy service and does not resemble the Disputed Domain Name in any manner. Further, The Hong Kong Office of the Asian Domain Name Dispute Resolution Centre sent an email on Notification of Deficiencies of the Complaint on November 1, 2021 which identified the Respondent as "媛媛 郝", which also does not resemble the Disputed Domain Name in any manner. Thus, where no evidence, including the WHOIS record for the Disputed Domain Name, suggests that Respondent is commonly known by the Disputed Domain Name, then the Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Name within the meaning of s.4(c)(ii). See *Moncler S.p.A. v. Bestinfo* D2004-1049 (WIPO, Feb. 8, 2005) (in which the panel noted "that the Respondent's name is "Bestinfo" and that it can therefore not be "commonly known by the Domain Name" [moncler.com]").

The Respondent is using the Disputed Domain Name to direct internet users to a website that features adult content, as shown. Numerous past Panels have held that use of a disputed domain name that is confusingly similar to a complainant's trademarks to link to a website featuring pornographic or adult content evinces a lack of legitimate rights or interests. See *MatchNet plc v. MAC Trading*, D2000-0205 (WIPO May 11, 2000) (finding that it is not a bona fide offering of goods or services to use a domain name for commercial gain by attracting Internet users to third party sites offering sexually explicit and pornographic material, where such use is calculated to mislead consumers and tarnish the Complainant's mark).

The Respondent registered the Disputed Domain Name on May 10, 2020, which is significantly after the Complainant's registrations of its ALIYUN and 1688.COM trademarks in the United Arab Emirates (AE) where the Respondent is based, and with the United States Patent and Trademark Office (USPTO), the China Trademark Office of National Intellectual Property Administration (CNIPA) and the European Union Intellectual Property Office (EUIPO), and also significantly after the Complainant's first use in commerce of its ALIYUN trademark in 2009.

Consequently, the Complainant submits that the Respondent has no rights or legitimate interest in the Disputed Domain Name in accordance with Paragraph 4(a)(ii) of the Policy.

iii. The disputed domain name has been registered and is being used in bad faith

The Complainant and its ALIYUN and 1688.COM trademarks are known internationally, with trademark registrations across numerous countries including in the United States where the privacy service is based. The Complainant has marketed and sold its goods and services using this trademark since 2009, which falls before the Respondent's registration of the Disputed Domain Name on May 10, 2020.

By registering a domain name that incorporates two different trademarks of the Complainant ALIYUN and 1688.COM minus a digit "8", the Respondent has created a domain name that is confusingly similar to the Complainant's Marks, as well as its domain names <aliyun.com> and <1688.com>. Further, "aliyun" is a coined term from Alibaba Cloud, combining "Ali" the shortened form of "Alibaba" and "yun" which is the hanyu pinyin for the Chinese word for cloud, and has no meaning in the English language. Therefore the composition of the Disputed Domain Name makes it illogical to believe that the Respondent registered the domain name without specifically targeting the Complainant. As such, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. In light of the facts set forth within this Complaint, it is "not possible to conceive of a plausible situation in which the Respondent would have been unaware of" the Complainant's brands at the time the Disputed Domain Name was registered. See *Telstra Corp. Ltd. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000). Stated differently, ALIYUN and 1688.COM are so closely linked and associated with the Complainant that the Respondent's use of these marks, or any minor variations of them, strongly implies bad faith – where a domain name is "so obviously connected with such a well-known name and products,...its very use by someone with no connection with the products suggests opportunistic bad faith." See *Parfums Christian Dior v. Javier Garcia Quintas*, D2000-0226 (WIPO May 17, 2000). Further, where the Disputed Domain Name , "it defies common sense to believe that the Respondent coincidentally selected the precise domain without any knowledge of the Complainant and its trademarks." See Asian World of Martial Arts Inc. v. Texas International Property Associates, D2007-1415 (WIPO Dec. 10, 2007).

The website of the Disputed Domain Name features sexually-explicit, pornographic content, which provides evidence of the Respondent's bad faith registration and use of this domain. Past Panels have consistently held that a respondent's use of a confusingly similar domain name to direct unsuspecting internet users to adult content, as here, is evidence of bad faith registration and use of that domain name. See *Microsoft Corp. v. Horner*, D2002-0029 (WIPO Feb. 27, 2002) (holding the respondent's use of the complainant's mark to post adult-oriented photographs and publish links to additional adult-oriented websites evidenced bad faith use and registration).

Previous Panels have concluded that evidence of prior Panel decisions in which domain names have been transferred away from the Respondent to complaining parties supports a finding that the Respondent has engaged in a bad faith pattern of "cybersquatting." See *Arai Helmet Americas, Inc. v. Goldmark*, D2004-1028 (WIPO Jan. 22, 2005) (finding that "Respondent has registered the disputed domain name, <aria.com>, to prevent the Complainant

from registering it" and taking notice of another UDRP proceeding against the respondent to find that "this is part of a pattern of such registrations"). The Respondent here has previously been involved in the below-listed cases, which provides evidence of the pattern of cybersquatting in which the Respondent is engaging:

- *Autodesk, Inc. v. Domain Administrator, See PrivacyGuardian.org / 媛媛 郝*, D2021-0268 (WIPO Apr. 20, 2021)

The address information provided by the Respondent when registering the Disputed Domain Name appears to be false, as the first part "河南 泌阳" appears to be in China, however, the country code is AE, which stands for United Arab Emirates. Past panels have agreed that such falsified contact information in the WHOIS is another indication of the Respondent's bad faith. See *Action Instruments, Inc. v. Technology Associates*, D2003-0024 (WIPO Mar. 6, 2003) (The use of false contact information in the Respondent's initial registration application is evidence that the Respondent registered in bad faith ··· Providing false contact information violates paragraph 2 of the Policy, which requires a registrant to represent that the statements it "made in [its] Registration Agreement are complete and accurate." Maintaining that false contact information in the WHOIS records (which can easily be updated at any time) after registration constitutes bad faith use of the domain name because it prevents a putative complainant from identifying the registrant and investigating the legitimacy of the registration.) See also *ALSTOM v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Bryan Owen*, D2019-0445 (WIPO Apr 23, 2019)(Panels view the provision of false contact information underlying a privacy or proxy service as an indication of bad faith. In this case, the Respondent used a privacy service and gave false information regarding its disclosed address. Due to the fact, the street provided by the Respondent in the WhoIs record does not exist in Birmingham, the Respondent's address is most likely to be false. The Respondent does not refute this inference. Therefore bad faith is indicated.).

The Respondent, at the time of initial filing of the Complaint, had employed a privacy service to hide its identity, which past Panels have held serves as further evidence of bad faith registration and use. See *Dr. Ing. H.C. F. Porsche AG v. Domains by Proxy, Inc.*, D2003-0230 (WIPO May 16, 2003). See also *WIPO Jurisprudential Overview 3.0* at 3.6 ("Panels have also viewed a respondent's use of a privacy or proxy service which is known to block or intentionally delay disclosure of the identity of the actual underlying registrant as an indication of bad faith.").

Finally, it is clear from the above that the Respondent knew of and targeted the Complainant's trademarks, and the Respondent should be found to have registered and used the Disputed Domain Name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, D2014-1754 (WIPO Jan 12, 2014) ("the Panel makes its finding regarding bad faith registration by asking whether it is more likely than not from the record of the evidence in the proceeding that the Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.")

For the reasons set out above, the Respondent should be considered to have registered and is using the Disputed Domain Name in bad faith, as described in paragraph 4(a)(iii) of the Policy.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent, 媛媛 郝, is the current registrant of the Disputed Domain Name <aliyun168.com> according to NameSilo, LLC, of 1300 E. Missouri Ave., Suite A-110, Phoenix AZ 85014, United States. The Disputed Domain Name was registered on 10 May 2020.

The Respondent has not submitted a response within the stipulated time.

5. Findings

Paragraph 14 of the Rules provides that, in the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by the Rules or the Panel, the Panel shall proceed to a decision on the complaint; and that, if a Party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

Paragraph 15(a) of the Rules instructs the Panel as to the principles that the Panel is to use in determining the dispute, stating that the Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

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

The Complainant was and is the holder of the various trademark registrations for the trade marks "ALIYUN", "1688" and "1688.com", i.e. the Complainant's Marks and the registrations were with various jurisdictions and of dates earlier than the registration of the Disputed Domain Name in issue by the Respondent. The Complainant's Marks were put to use via websites of, *inter alia*, the <1688.com> and other likewise domain names. From the documents and evidence supplied, the Complainant is of wide scale operation with the Complainant's Marks, at places including China. To all these, the Panel accepts and finds that the Complainant has the necessary legal rights and interests over the Complainant's Marks for the purpose of the Complaint.

The Panel finds it clear that the Disputed Domain Name < aliyun168 > incorporates the "aliyun" part and the "168" part its key parts for distinctive identification purposes, individually and collectively. To some internet users, these are individually and collectively confusing with "ALIYUN", "1688" and "1688.com" and hence the Complainant's Marks and/or their related websites with the "aliyun" part and "1688" part in the domain names. The "aliyun" part in the Disputed Domain Name is identical to the "ALIYUN" mark, save being lower case and that the "168" part in the Disputed Domain Name is confusingly similar to the "1688" and "1688.com" marks. Thus, in the circumstances, the Panel also believes that some internet users may be exposed to the typo risks in this regard that are also relevant.

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(i) of the Policy as regards <aliyun168.com>.

B) Rights and Legitimate Interests

In the present case the Complainant alleges that Respondent has no rights or legitimate interests in respect of the domain name. Also, there is nothing from the Respondent showing that that the Complainant and the Respondent have any prior connection, and the latter has in any way been authorized by the former to use its mark in the Disputed Domain Name. As per the above, the Complainant's Marks have acquired significant recognition regionally and in places like China, prior to the registration of the Disputed Domain Name.

Furthermore, the Panel accepts that the part "aliyun168" is not a term commonly used in the English language or any language and there is also no evidence that the Respondent has been commonly known by the Disputed Domain Name or has in any way has any rights or association to the name of "aliyun168". From the name of the Respondent, or other contact details of the Respondent, there is nothing to show that the Respondent has any rights or legitimate interests with the Disputed Domain Name or its part of "aliyun168".

To all theses, the Respondent does not respond to disagree or to submit contrary evidence.

Thus, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(ii) of the Policy.

C) Bad Faith

Under Paragraph 4(b) of the Policy, the following are relevant examples a Panel may take as evidence of registration and use in bad faith:

(i) Circumstances indicating that the Respondent has registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the 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 Respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) The Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding

domain name, provided that the Respondent has engaged in a pattern of such conduct; or

(iii) The Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) By using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

The Complainant contends that it is clear that the Disputed Domain Name has been registered and is being used in bad faith. The Complainant highlights that the Complainant obtained its registration for the Complainant's Marks for years and had become widely known among internet users and the relevant public in the sectors and various regions. The Complainant submits that, from the print-outs and other evidence, the Respondent was clearly aware of and was targeting the Complainant and/or the Complainant's Marks and the associated goodwill in registering / using the Disputed Domain Name. The Complainant submits that the use of the Respondent of the Disputed Domain Name also points to bad faith. To all theses, the Respondent does not respond to disagree or to submit contrary evidence.

The Panel accepts these as factual findings and agrees with the Complainant that the Respondent registers the domain name in issue knowing the rights and interests of the Complainant over the Complainant's Marks. The Panel particularly notices that the Complainant's Marks had been registered as trademarks in China, which includes the stated place of 河南 (Henan) of the Respondent. Accordingly, the Panel finds that all these do constitute bad faith on the part of the Respondent in the use and registration of the Disputed Domain Name.

Therefore, the Panel also finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(iii) of the Policy as regards <aliyun168.com>.

6. Decision

Having established all three elements required under the Policy in respect of the Disputed Domain Name <aliyun168.com>, the Panel concludes that relief should be granted in favour of the Complainant. Accordingly, the Panel decides and orders that the Disputed Domain Name <aliyun168.com> shall be transferred from the Respondent to the Complainant.

Gary Soo
Sole Panelist

4 December 2021