

(Hong Kong Office)

**ADMINISTRATIVE PANEL DECISION**

---

<b>Case No.</b>	HK-2101571
<b>Complainant:</b>	QIMA LIMITED
<b>Respondent:</b>	Melvin Mandalupe
<b>Disputed Domain Name(s):</b>	<qima.info>

---

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

The Complainant is QIMA LIMITED of Dah Sing Life Building, 99-105 Des Voeux Road, Central, Hong Kong SAR, internally represented.

The Respondent is Melvin Mandalupe of 130 Cabernet, Rancho Mirage, CA 92270, United States of America (“United States”).

The domain name at issue is <qima.info> (the “disputed domain name”), registered by the Respondent with Wild West Domains, LLC of 2150 E. Warner Road, Tempe, AZ 85284, United States (the “Registrar”).

**2. Procedural History**

On 18 November 2021, pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the Asian Domain Name Dispute Resolution Centre Supplemental Rules (the “ADNDRC Supplemental Rules”), the Complainant filed a Complaint with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “Centre”) and elected to have the Complaint decided by a single-member panel. The Centre transmitted by email to the Registrar a request for information concerning the disputed domain name, on 19 and 23 November 2021, and then to a different email address on 24 November 2021. The Registrar responded by email on 24 November 2021, confirming that the disputed domain name was registered with it, providing the registrant and contact details for the disputed domain name, confirming that the Policy applied to the disputed domain name, and stating that the language of the registration agreement for the disputed domain name is English.

On 25 November 2021, the Centre notified the Complainant that the Registrar had disclosed registrant and contact information different from that identified in the Complaint, and requested the Complainant to update the Complaint. Following further communications from the Centre, the Complainant provided an updated Complaint in appropriate form on 30 November 2021.

The Centre formally notified the Respondent of the Complaint, and the proceedings commenced on 30 November 2021. In accordance with the Rules, the due date for Response was 20 December

2021. The Respondent did not submit any response. Accordingly, the Centre notified the Respondent's default on 20 December 2021.

On 21 December 2021, the Centre contacted Professor Andrew F. Christie about his potential appointment as the sole panelist in this matter. Professor Christie confirmed his availability, and his position to act independently and impartially between the parties, on 21 December 2021. On 22 December 2021, the Centre appointed Professor Christie as the sole panelist in the case and notified the parties of the appointment.

### **3. Factual Background**

The Complainant is a leading provider of supply chain compliance solutions. It partners with brands, retailers and importers to secure, manage and optimize their global supply network. The Complainant has an on-the-ground presence in 85 countries, has more than 3,800 employees, and serves clients in 120 countries.

The Complainant is the owner of several trademark registrations for the word trademark QIMA, including Hong Kong Trade Mark No. 303843090 (registered 19 July 2016), United States Trademark No. 5244501 (registered 18 July 2017), and European Union Trademark Registration No. 017981699 (registered 14 March 2019).

The disputed domain name was registered on 29 October 2021. The Complainant has provided copies of emails sent on 4 and 11 November 2021 by the Respondent from the email address "melvin.mandalupe@qima.info", in which the Respondent states that, due to the second wave of COVID-19, payment "via Check" has been halted and that payments are now to be made "via ACH and WIRE Transfer". The Respondent requests the recipient to "confirm your preferred payment date so we know when to expect payment and advise which payment method you prefer either ACH or Wire Transfer, so we can give the relevant account details to you for payment".

At the time of the decision, it appears that the disputed domain name does not resolve to an active website.

### **4. Parties' Contentions**

#### A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to a trademark in which it has rights because it is the owner of trademark registrations for the word trademark QIMA in 15 countries or regions, it has operated under the QIMA brand globally for the past four years, and it owns and operates more than 50 QIMA-related domain names, including <qima.com>, <qima.fr>, <qima.co>, and <qima.cn>.

The Complainant contends that the disputed domain name has been registered and is being used in bad faith because it has been used in a phishing email campaign reported by the Complainant's customers, whereby an individual using the email address "melvin.mandalupe@qima.info" has emailed them, posing as a legitimate staff member of the Complainant, and has requested wire transfer payments.

#### B. Respondent

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

### **5. Discussion and Findings**

#### A. Identical or Confusingly Similar

Once the generic Top-Level Domain (“gTLD”) “.info” is ignored (which is appropriate in this case), the disputed domain name consists of the whole of the Complainant’s registered word trademark QIMA. Accordingly, the Panel finds that the disputed domain name is identical to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

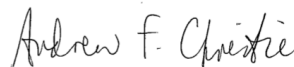
Although the Complainant made no express contention in relation to the Respondent’s rights or legitimate interests in the disputed domain name, the implication of the Complainant’s contention in relation to the Respondent’s use of the disputed domain name is that the Respondent is not a licensee of the Complainant, is not otherwise affiliated with the Complainant, and has not been authorized by the Complainant to use its QIMA trademark. The Respondent has not provided any evidence that it has been commonly known by, or has made a *bona fide* use of, the disputed domain name, or that it has, for any other reason, rights or legitimate interests in the disputed domain name. The evidence provided by the Complainant shows that the disputed domain name was used in an email address for email communications to the Complainant’s customers, purporting to be from the Complainant and requesting banking account details. Given the confusing similarity of the disputed domain name to the Complainant’s trademark and the absence of any relationship between the Respondent and the Complainant, such a use of the disputed domain name is neither a *bona fide* use nor a legitimate noncommercial or fair use of the disputed domain name. The Complainant has put forward a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and the Respondent has not rebutted this. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The disputed domain name was registered several years after the Complainant first registered its QIMA word trademark. It is inconceivable that the Respondent registered the disputed domain name ignorant of the existence of the Complainant’s trademark, given that the disputed domain name (apart from the gTLD) consists wholly of the Complainant’s trademark and has been used in an email address to contact the Complainant’s customers. The evidence on the record provided by the Complainant indicates that the Respondent has used the disputed domain name for attempted commercial gain, by creating confusion in the minds of the Complainant’s customers as to an association between the Complainant and the emails sent by the Respondent from the address using the disputed domain name. Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

**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, <qima.info>, be transferred to the Complainant.



---

Andrew F. Christie  
Sole Panelist

Date: 5 January 2021