



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2101578
Complainant:	Shenzhen Relx Technology Co., Ltd
Respondent:	IceNetworks Ltd.
Disputed Domain Name(s):	<relx-online.com> <relx-asia.com> <relx-shop.com> <pods-relx.com>

1. The Parties and Contested Domain Name

The Complainant is Shenzhen Relx Technology Co., Ltd, of Rm B-208, BLD A, 2F, Vanke Yunchang, Bodun Tech. Park, Chaguang Rd, Xili Subdistrict, Nanshan Dist., Shenzhen, Guangdong 518055 China.

The Respondent is IceNetworks Ltd., of Klapparstigur 7, Reykjavik IS, 101 Iceland.

The domain names at issue are <relx-online.com> <relx-asia.com> <relx-shop.com> <pods-relx.com>, registered by Respondent with Internet Domain Service BS Corp, of Ocean Centre, Montagu Foreshore, East Bay Street, Nassau The Bahamas P.O. BOX SS-19084, Bahamas.

2. Procedural History

The Complainant filed the Complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) on 13 December 2021. On 14 December 2021, ADNDRC sent a New Case Notification email to Internet Domain Service BS Corp, the registrar of the disputed domain name (“the Registrar”). After repeated reminders by ADNDRC, the Registrar responded by email on 29 December 2021 disclosing details of the registrant of the domain names at issue. The disputed domain name <relx-online.com> was created on 8 March 2021; <relx-asia.com> was created on 19 April 2021; <relx-shop.com> was created on 25 March 2021 and <pods-relx.com> was created on 19 April 2021.

The Respondent was formally notified of the Complaint on 31 December 2021 and was told to submit a Response on or before 20 January 2022 pursuant to Article 5 of the Rules. ADNDRC indicated to the parties on 21 January 2022 that it did not receive a Response from the Respondent.

ADNDRC informed the parties on 25 January 2022 that Ms. Dora Chow has been appointed as the sole Panelist. In accordance with the Rules., a decision will be rendered by the Panelist on or before 8 February 2022 unless there is exceptional circumstance.

3. Factual background

The Complainant Shenzhen Relx Technology Co., Ltd (Chinese name: 深圳雾芯科技有限公司) is the owner of trademark registrations for its RELX brand across various jurisdictions. The Complainant has spent a considerable amount of time and money protecting its intellectual property rights. The Complainant's registrations are referred to hereafter as the "RELX trademark" or "Complainant's trademark." The trademark registrations relevant to this instant matter are:

TRADEMARK	JURISDICTION/ TM OFFICE	REGISTRATION NUMBER	REGISTRATION DATE	IC CLASS
RELX & Design	CN / CNIPA	28527765	2018-12-07	034
RELX & Design	US / USPTO	5818187	2019-07-30	034
RELX & Design	EM / EUIPO	017652439	2018-05-18	034
悦刻	CN / CNIPA	28721698	2018-12-07	034

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

The Complainant is a leading e-vapor company based in Shenzhen, China. Its primary operations include the research, development, manufacturing and distribution of its RELX 悦刻 brand of e-vapor products. Complainant sells its e-vapor products to adult smokers (of legal age of 18 years old and above) through an integrated offline distribution and "branded store plus" retail model which is tailored to China's consumer e-vapor market. Complainant also actively pursues valuable scientific research and development to further understand and minimize the health risks associated with e-vapor products.

Complainant (NYSE: RLX) is committed to building and strengthening its trusted brand by consistently uploading and practicing ethical principles. This include promoting the prevention of underage use of its products through a number of key initiatives e.g. the technology-driven Sunflower System in collaboration with its network of distributors, retailers and partners. Complainant also actively supports a variety of social responsibility initiatives relating to anti-counterfeiting, environmental protection and charity. Complainant's RELX brand is well known among its users, distributors, retailers and industry peers for its association with social responsibility.

Complainant operates the website at its primary domain name <relxtech.com>. According to Similarweb.com, Complainant's primary website <www.relxtech.com>

is ranked 16,670th most popular website in China. It received over 213,000 visitors between July 2020 and December 2020.

- i) The disputed domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

By virtue of its trademark registrations, Complainant is the owner of the RELX trademark. 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 Names to Complainant’s trademark, 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 Second Level Domain of the Disputed Domain Names incorporates the textual element of Complainant’s RELX trademark, resulting in domain names that are confusingly similar to Complainant’s RELX trademark. See WIPO Jurisprudential Overview 3.0 at 1.10 (“Panel assessment of identity or confusing similarity involves comparing the (alpha-numeric) domain name and the textual components of the relevant mark. To the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element.”). Here, Complainant holds trademark registrations for a design logo prominently featuring the word RELX, making the Disputed Domain Names confusingly similar to the prominent textual element of Complainant’s trademark.

In addition, Respondent added the generic or descriptive term “online”, “shop”, “asia” or “pods” to the end or beginning of Complainant’s RELX trademark. The mere addition of this generic term or descriptive term to Complainant’s trademark does not negate the confusing similarity between the Disputed Domain Names and the Complainant’s trademark under Policy 4(a)(i), and the Disputed Domain Names must be considered confusingly similar to Complainant’s trademark. It is well established that the addition of generic or descriptive terms is not sufficient to overcome a finding of confusing similarity pursuant to Policy 4(a)(i). See WIPO Jurisprudential Overview 3.0 at 1.8 (“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.”). See also Shenzhen Relx Technology Co., Ltd v. poomipat thippanya/ shoesshop, HK-2101529 (ADNDRC Oct. 4, 2021).

Respondent’s addition of a hyphen does nothing to distinguish each of the Disputed Domain Names from Complainant’s trademark. In other words, the

use of such hyphen does not diminish the confusing similarity between the Disputed Domain Names and Complainant's trademark and should be disregarded for purposes of making this determination. See *Chernow Commc'ns, Inc. v. Kimball*, D2000-0119 (WIPO May 18, 2000) (Holding "that the use or absence of punctuation marks, such as hyphens, does not alter the fact that a name is identical to a mark").

- ii) The Respondent has no rights or legitimate interests in respect of the domain name(s):

The granting of registrations by CNIPA, USPTO and EUIPO to Complainant for the RELX trademark is prima facie evidence of the validity of the terms "relx" as a trademark. These registrations also prove Complainant's ownership of this trademark, and of Complainant's exclusive right to use the RELX trademark in commerce on or in connection with the goods and/or services.

Respondent is not sponsored by or affiliated with Complainant in any way. Nor has Complainant licensed, authorized, or permitted Respondent to use Complainant's trademark in any manner, including in domain names. "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).

Respondent is not commonly known by the Disputed Domain Names, which evinces a lack of rights or legitimate interests. See Policy, 4(c)(ii). In the instant case, the pertinent Whois information identifies the Registrant as "Not disclosed / IceNetworks Ltd.", which does not resemble the Disputed Domain Names in any manner. Thus, where no evidence, including the Whois records for the Disputed Domain Names, suggests that Respondent is commonly known by the Disputed Domain Names, then Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Names within the meaning of 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]).

Additionally, at the time of filing the complaint, Respondent was using a privacy WHOIS service, which past panels have also found to equate to a lack of legitimate interest. See *Jackson National Life Insurance Company v. Private WhoIs www.jacksonnationallife.com N4892*, D2011-1855 (WIPO Dec. 23, 2011) ("The Panel concludes that the Respondent possesses no entitlement to use the name or the words in the Complainant's marks and infers [...] from the "Private Whois" registration that it is not known by such name. There is no evidence of the Respondent ever being commonly known by the name or words now included in the disputed domain name.").

Respondent is not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the Disputed Domain Names <relx-online.com>, <relx-asia.com> and <relx-shop.com>. Respondent uses these

Disputed Domain Names in connection with commercial websites featuring Complainant's logo, claiming to be "RELX Co., Ltd." or "RELX Taiwan Specialty Store Co., Ltd.", and attempting to offer unauthorized or potentially counterfeited products bearing Complainant's brand. Past Panels have concluded that a respondent's efforts to sell unauthorized or potentially counterfeit products under the guise of a complainant's brand, trademarks, and/or logos amounts to neither a bona fide offering of goods or services under Policy 4(c)(i), nor a Policy 4(c)(iii) legitimate noncommercial or fair use. See *Nokia Corp. v. Eagle*, FA 1125685 (NAF Feb. 7, 2008) (finding the respondent's use of the disputed domain name to pass itself off as the complainant in order to advertise and sell unauthorized products of the complainant was not a bona fide offering of goods or services pursuant to Policy 4(c)(i), or a legitimate noncommercial or fair use of the disputed domain name pursuant to Policy 4(c)(iii)).

Even assuming that Respondent is using the Disputed Domain Names <relx-online.com>, <relx-asia.com> and <relx-shop.com> to offer Complainant's genuine products, Respondent's use of these Disputed Domain Names still does not qualify as a bona fide offering of goods or services as contemplated by Policy 4(c)(i). The Oki Data Test has been generally followed to determine whether a respondent's use of a disputed domain name in the resale of a complainant's products constitutes a bona fide offering of goods or services in accord with Policy 4(c)(i). See *Oki Data Americas, Inc. v. ASD, Inc.*, D2001-0903 (WIPO Nov. 6, 2001). See also *Inter-Tel, Inc. v. Marcus*, FA 727697 (NAF July 27, 2006) (respondent's use of the disputed domain name in the resale of complainant's products constitutes a bona fide offering of goods or services in accord with Policy 4(c)(i) where the respondent actually offered the goods or services at issue, the respondent used the site to sell only the trademarked goods, the site accurately disclosed the registrant's relationship with the trademark owner, and the respondent did not try to corner the market in all domain names, (which would have thus deprived the trademark owner of reflecting its own mark in a domain name)).

Here, Respondent is not an authorized reseller or distributor for Complainant and Respondent's use of the Disputed Domain Names <relx-online.com>, <relx-asia.com> and <relx-shop.com> fails to meet the third criterion of the Oki Data Test, which requires that the websites accurately disclose the Respondent's relationship with the Complainant. The websites found at these Disputed Domain Names have no visible disclaimer stating that the websites are neither endorsed nor sponsored by the Complainant to explain the non-existing relationship with the trademark holder. Instead, Respondent claims that the Disputed Domain Names' websites are online stores of RELX cartridges in Taiwan, (mis)representing itself as Complainant or its affiliate. This (mis)representation conveys the false impression that the Respondent was authorized to use Complainant's trademark and offer Complainant's products. See *LEGO Juris A/S v. John Davis*, D2018-0313 (WIPO Mar. 27, 2018) (noting the "Respondent cannot benefit from Oki Data since the Respondent has not accurately disclosed the lack of any relationship between it and the Complainant"). See also *Shenzhen Relx Technology Co., Ltd v. WhoisGuard Protected, WhoisGuard, Inc. / Xinke Liu*, D2021-0358 (WIPO Apr. 28, 2021). Respondent's website is clearly commercial in nature and it is

not making a legitimate noncommercial or fair use of the Disputed Domain Names.

The Respondent is using the Disputed Domain Name < pods-relx.com > to redirect internet users to a website that resolves to a default page and lacks content. Respondent has failed to make use of this Disputed Domain Name's website and has not demonstrated any attempt to make legitimate use of the domain name and website, which evinces a lack of rights or legitimate interests in the Disputed Domain Name, as confirmed by numerous past Panels. See Philip Morris USA Inc. v. Muhammad Faisal, D2016-0621 (WIPO, Jun. 3, 2016) (As the Respondent is not actively using the Domain Names, the Panel is of the view that the Respondent is not making a legitimate noncommercial or fair use of the Domain Names.).

Respondent registered the Disputed Domain Names in 2021, which is after Complainant's registrations of its RELX trademark with CNIPA, USPTO and EUIPO, and Complainant's first use in commerce of its trademark in July 2018. The Disputed Domain Names' registration dates are also after the Complainant's registration of its < relxtech.com > domain name on November 27, 2017.

- iii) The disputed domain name(s) has/have been registered and is/are being used in bad faith:

The Complainant and its RELX trademark are known internationally, with trademark registrations across numerous countries. The Complainant has marketed and sold its goods and services using this trademark since 2018, which is before Respondent's registration of the Disputed Domain Names.

By registering domain names that each incorporates the term RELX with the addition of a hyphen and generic or descriptive term, Respondent has created domain names that are confusingly similar to Complainant's trademark. As such, Respondent has demonstrated a knowledge of and familiarity with Complainant's brand and business. Further, Respondent's websites at the Disputed Domain Names < relx-online.com >, < relx-asia.com > and < relx-shop.com > offer sale of goods that are identical to Complainant's goods and bearing Complainant's brand, with Respondent alleging that it is Complainant or its affiliate. Thus, 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 Names were registered. See Telstra Corp. Ltd. v. Nuclear Marshmallows, D2000-0003 (WIPO Feb. 18, 2000).

ICANN policy dictates that bad faith can be established by evidence that demonstrates that "by using the domain name, [Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [Respondent's] web site..., by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on [Respondent's] web site or location." See Policy, 4(b)(iv). Here, Respondent creates a likelihood of confusion with Complainant and its trademark by using Complainant's RELX logo and claiming to be "RELX Co., Ltd." or "RELX Taiwan Specialty Store Co.,

Ltd.”, with Respondent then attempting to profit from such confusion by offering unauthorized or potentially counterfeit products bearing Complainant’s brand. As such, Respondent is attempting to cause consumer confusion in a nefarious attempt to profit from such confusion. The impression given by the Disputed Domain Names <relx-online.com>, <relx-asia.com> and <relx-shop.com> and their websites would cause consumers to believe the Respondent is somehow associated with Complainant when, in fact, it is not. Respondent’s actions create a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Disputed Domain Names, and the Respondent is thus using the fame of the Complainant’s trademark to improperly increase traffic to the website listed at the Disputed Domain Names for Respondent’s own commercial gain. It is well-established that such conduct constitutes bad faith. See *Hewlett-Packard Co. v. Ali*, FA 0353151 (NAF Dec. 13, 2004) (“Respondent [used “HP” in its domain name] to benefit from the goodwill associated with Complainant’s HP marks and used the <hpdubai.com> domain name, in part, to provide products similar to those of Complainant. Respondent’s practice of diversion, motivated by commercial gain, constitutes bad faith registration and use pursuant to Policy 4(b)(iv)”). See also *Shenzhen Relx Technology Co., Ltd v. Charles Lee*, HK-2101530 (ADNDRC Oct. 4, 2021).

Moreover, Respondent’s use of the Disputed Domain Names <relx-online.com>, <relx-asia.com> and <relx-shop.com> constitutes a disruption of Complainant’s business and qualifies as bad faith registration and use under Policy 4(b)(iii) because Respondent’s domain names are confusingly similar to Complainant’s trademark and the websites at the Disputed Domain Names are being used to offer Complainant’s goods without Complainant’s authorization or approval. Past Panels have confirmed that using a confusingly similar domain to mislead consumers and then offering a complainant’s goods or services is evidence of bad faith registration and use. See *Andersen Corporation v. Design Price Buy Inc.*, FA 1261838 (NAF June 16, 2009) (Respondent’s use of a domain name confusingly similar to Complainant’s mark, which resolves to a commercial website offering Complainant’s products for sale, likely disrupts Complainant’s business).

The Disputed Domain Name < pods-relx.com > currently resolves to a default page and is not being used. Past Panels have noted that the word bad faith "use" in the context of Policy 4(a)(iii) does not require a positive act on the part of the Respondent, and passively holding a domain name can constitute a factor in finding bad faith registration and use pursuant to Policy 4(a)(iii). See *Telstra Corp. v. Nuclear Marshmallows*, D2000-0003 (WIPO Feb. 18, 2000) ("it is possible, in certain circumstances, for inactivity by the Respondent to amount to the domain name being used in bad faith"). In this case, the Disputed Domain Name is confusingly similar to Complainant’s trademark, and Respondent has made no use of the Disputed Domain Name, factors which should be duly considered in assessing bad faith registration and use. See *DCI S.A. v. Link Commercial Corp.*, D2000-1232 (WIPO Dec. 7, 2000) (concluding that the respondent’s passive holding of the domain name satisfies the requirement of 4(a)(iii) of the Policy).

The Respondent has registered Disputed Domain Names that each infringes upon Complainant's trademark. This demonstrates that the Respondent is engaging in a pattern of cybersquatting, which is evidence of bad faith registration and use. See WIPO Jurisprudential Overview 3.0 at 3.1.2 (Panels have held that establishing a pattern of bad faith conduct requires as few as two instances of abusive domain name registration. This may include a scenario where a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner.”)

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 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, on balance of the facts set forth above, it is more likely than not that the Respondent knew of and targeted Complainant's trademark, and Respondent should be found to have registered and used the Disputed Domain Names 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 Respondent had the ELECTRIC FOOTBALL trademark in mind when registering the Domain Name.”).

B. Respondent

The Respondent did not file a Response.

5. Findings

According to evidence submitted the Complainant's trade marks “RELX & Design” and “悅刻” were all registered in 2018, 3 years prior to the creation of the disputed domain names, from March – April 2021. The Complainant's web site “relxtech.com” was created on 27 November 2017, well before the creations of the disputed domain names.

The ICANN Uniform Domain Name Dispute Resolution Policy (the “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

It is clear that “Relx” is the prominent part of the Complainant’s trade mark and company name. Although the trade mark registration was described as “RELX & Design”, it was the word “RELX” presented in a stylized manner as follows:



“RELX & Design” can be found on the front page of the Complainant’s website. The Panel is satisfied based on the evidence submitted that Complainant has rights in its trade mark and company name “RELX”.

Furthermore, “Relx” is a made up word with no meaning. This makes “Relx” even more distinctive as a trade mark and domain name.

The Panel agrees with the Complainant’s submission that “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless or otherwise) would not prevent a finding of confusing similarity under the first element” (WIPO Jurisprudential Overview 3.0 at 1.8)

Each of the disputed domain names consists of the Complainant’s trade mark and company name “Relx”. The adding of the words “online”, “shop”, “asia” and “pods” to the end and the beginning of the Complainant’s “RELX” did not negate the confusing similarity of the disputed domain names with the Complainant’s trade mark and company name “RELX”. According to *Chernow Commc’ns, Inc. v. Kimball* D2000-0119 (WIPO May 18 2000), the use or absence of punctuation marks, such as hyphen, did not alter the fact that a name was identical to a mark.

Based on the evidence submitted by the Complainant, the Respondent was offering for sale, unauthorized “RELX” e-vapour cartridges, at the website utilizing 3 of the disputed domain names namely, “relx-online.com”, “relx-asia.com” and “relx-shop.com”. The Complainant’s registered trade marks “RELX & Design” and “悅刻” can also be found in the website of these 3 disputed domain names.

In the premises, the Panel has found the 4 disputed domain names identical or confusingly similar to a trademark namely “RELX” which the Complainant has rights under Paragraph 4 (a) (i) of the Policy.

B) Rights and Legitimate Interests

The Respondent did not file any Response despite being sent the Complaint on 31 December 2021. The Panel is satisfied that the Respondent has no right or legitimate interest in respect of the disputed domain names under Paragraph 4 (a)(ii) of the Policy.

C) Bad Faith

As mentioned in paragraph 5A above, the Respondent was offering for sale unauthorized e-vapour cartridges bearing the Complainant's trade mark "RELX" in websites utilizing 3 of the disputed domain names namely "relx-online.com", "relx-asia.com" and "relx-shop.com". The Respondent also falsely claimed to be the "RELX Co Ltd", "RELX Taiwan Specialty Store Co. Ltd" or the RELX online store in Taiwan, in these websites. As previously discussed, the Complainant's registered trade marks "RELX & Design" and "悅刻" can also be found in these websites. Such use of the 3 disputed domain names amount to use in bad faith.

With regard to the disputed domain name "pods-relx.com", the Respondent redirected Internet traffic to a default page which was devoid of content. It has been well established by many decided cases under the Policy that the inactivity or the passive holding of a domain name can also amount to "use in bad faith". (Telstra Corp. v. Nuclear Marshmallows D2000-003 WIPO Feb 18 2000; DCISA v. Links Commercial Corp. D2000-1232 WIPO Dec 7 2000) Based on the evidence provided, the Panel has found that the passive holding of "pods-relx.com", a confusingly similar domain name amounts to use in bad faith.

The Panel is satisfied that the 4 disputed domain names registered by the Respondent, are being used in bad faith under Paragraph 4 (a) (iii) of the Policy.

6. Decision

To conclude, the Panel has found sufficient evidence to satisfy Paragraph 4 (a)(i), 4 (a)(ii), 4(a) (iii) of the Policy. The Panel therefore orders that the 4 disputed domain names, "relx-online.com", "relx-asia.com", "relx-shop.com" and "pods-relx.com" are to be transferred to the Complainant.



Dora Chow
Sole Panelist

Dated: 7 February 2022