



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2201685
Complainant:	Shoptline Holdings Limited
Respondent:	张智佳
Disputed Domain Names:	<shoptline-top.com> and <shoptllne.com>

1. The Parties and Contested Domain Name

The Complainant is Shoptline Holdings Limited, of 21/F, Nam Wo Hong Building, 148 Wing Lok Street, HONG KONG.

The Respondent is 张智佳, of 广东省深圳市龙岗区龙岗大道华联大厦 2 楼.

The domain names at issue are <shoptline-top.com> and <shoptllne.com>, registered by Respondent with DYNADOT, LLC, of 210 S Ellsworth Ave #345 San Mateo, CA 94401 US.

2. Procedural History

On 2 November 2022, the Complainant filed a Complaint in the English language with the Hong Kong Office (“HK Office”) of Asian Domain Name Dispute Resolution Centre (“ADNDRC”) and elected a single member panel for the dispute in this matter, pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy”) and the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the ADNDRC Supplemental Rules) approved by ADNDRC.

On 2 November 2022, the HK Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint. All correspondence to and from the HK Office described herein was in the English language. On the same day, the HK Office transmitted by email to the Registrar a request for confirmation of the WHOIS records of the Disputed Domain Names and other related information. On 2 November 2022, the Registrar confirmed by email: (i) that it is the registrar of the Disputed Domain Names, (ii) that the Policy is applicable to the dispute relating to the Disputed Domain Names; and (iii) that language of the registration agreement for the Disputed Domain Names is English.

The Registrar also provided the registrant information and the WHOIS information of the Disputed Domain Names.

On 14 November 2022, in accordance with paragraphs 2(a) and 4 of the Rules, the HK Office formally notified the Respondent of the Complaint and the proceeding was commenced accordingly. In accordance with paragraph 5(a) of the Rules, the due date for the Respondent to submit the Response was December 4, 2022. The Respondent did not submit any response to the Complaint. On 5 December 2022, the HK Office issued a Notice of the Respondent in Default in English. On the same day, the HK Office sent a Notice of Panelist Appointment to Dr. Lulin GAO as Panel candidate for the current case. The Panel candidate submitted on 6 December 2022 a Statement of Acceptance and Declaration of Impartiality and Independence to the HK Office in compliance with paragraph 7 of the Rules.

On 6 December 2022, the HK Office notified both parties and Dr. Lulin GAO by email that Dr. Lulin GAO would be the sole panelist in this matter (the “Panel”), and then formally transmitted the file in this matter to the Panel. The Panel finds that it was properly constituted and should render the Decision within 14 days, i.e., on or before 20 December 2022.

The Panel notes that the Respondent did not respond to the Complaint that was written in English that was transmitted by email to the Respondent under cover of a notice in English language issued by the HK Office. If the Respondent objected to the use of English by the Complainant in this proceeding, the Respondent should have raised his/her objections. 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 proceeding 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 proceeding. The language of the current Disputed Domain Name Registration Agreements is English, thus the Panel determines English as the language of the proceedings.

3. Factual background

For the Complainant

The Complainant in this case is Shoptline Holdings Limited. Its address is 21/F, Nam Wo Hong Building, 148 Wing Lok Street, HONG KONG. The authorized representative in this case is Chofn Intellectual Property.

For the Respondent

The Respondent is 张智佳. The Respondent is the current registrant of the Disputed Domain Names <shoptline-top.com> and <shopllne.com>, which were respectively registered on September 17, 2022 and October 13, 2022 according to the WHOIS information. The registrar of the Disputed Domain Names is DYNADOT, LLC.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

The Complainant has protected the trademark rights of SHOPLINE in several countries and territories, and these trademark rights predate the registration of the Disputed Domain Names.

i) The Disputed Domain Name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

The Complainant is a cross-border e-commerce standalone SAAS website building platform, focusing on cross-border e-commerce website building, established in Hong Kong, China in 2013. The Complainant provides global brand sellers with one-stop services in website building, traffic, payment and logistics through the combination of emerging digital technology and e-commerce industry. Since its inception the Complainant has set up offices in Shenzhen, Guangzhou, Hong Kong, Taiwan, Kuala Lumpur, Malaysia, Ho Chi Minh City, Singapore, Bangkok and 10 other regions and now serves 350,000+ merchants and 530 million consumers worldwide.

To date, the Complainant has built an international team of nearly 2,000 people and is now Asia's leading SaaS platform for independent sites, building a full chain of services from supply chain, traffic, payment, logistics to training to help sellers create brand highlights, sink private domain traffic and achieve differentiated operations.

Back in the early days of SHOPLINE's creation, in 2014, the Complainant became a member of the Silicon Valley-based 500 Startups accelerator in 2014; And in 2015, the Complainant nets \$1.2M in funding from 500 Startups, Ardent Capital, SXE Ventures, East Ventures, and COENT Venture Partners; In 2016 the Complainant accessed the Alibaba Investment Fund; During 2017-2018, the Complainant became a google and facebook partner with over 150,000 global merchants and reached at least 200 million global consumers; In 2019, the Complainant received Series B investment and shortlisted for the Google Premier Partner Awards, the number of the Complainant's global merchants exceeds 200,000, reaching at least 350 million consumers; In the period 2020-2021, the Complainant received a strategic investment from JOYY and was listed in the Financial Times' Top 500 Fast Growth Companies in Asia Pacific. (Annex 6 the History of the Complainant's development and media coverage).

Based on the above, it can be seen that the Complainant has a high level of popularity and influence. As the Complainant's corporate name and core product trademark, SHOPLINE has been in actual use and promotion for many years and has become highly recognisable in the Asia Pacific region. By searching SHOPLINE on google, you can see that all the results point to the Complainant (Annex 7 Search Engine Search Results). It follows that SHOPLINE has a unique correspondence with the Complainant.

The Complainant believes that when comparing the Disputed Domain Name and the Complainant's trademark in this case, the relevant comparison should only focus on the second-level part of the domain name (the main identifying part mentioned below) and the Complainant's trademarks (For the case, please refer to Annex 8: Rollerblade, Inc. v. Chris McCrady, Case No. D2000-0429). The Disputed Domain Name

shopline-top.com and shopllne.com removes the suffix .com, and the remaining part is shopline-top and shopllne, where the word top in shopline-top is a commonly used word that lacks prominence in this case and does not need to be compared in the first element of the test for confusion, it is clear that the main identifying part of the domain name shopline-top.com is shopline. Whereas, observation of the letter spelling combination of shopllne reveals a misspelling of the letter L. The misspelling of this letter cannot make shopllne significant or have a special meaning, and it is easy to be mistaken by the public for the SHOPLINE brand from a glyphological point of view, and shopllne is the main identifying part of the Disputed Domain Name shopllne.com. Accordingly, the Complainant submits that the main identifying part of the above Disputed Domain Name contains all or at least one of the main features of the Complainant's SHOPLINE mark and is likely to cause confusion.

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

The Complainant searched various national and regional trademark databases in the name of the Respondent and did not find that the Respondent had trademark rights in the name of SHOPLINE. According to the Complainant's feedback, the Respondent is not in the identity of the Complainant's distributor or partner. The Complainant has never directly or indirectly authorized the Respondent to use the trademarks SHOPLINE and the corresponding domain names in any form.

The name of the Respondent is 张智佳. Obviously, it is impossible for him to enjoy the relevant name rights for SHOPLINE.

In summary, the Respondent does not have any rights or legitimate interest in the domain name.

iii) The Disputed Domain Name(s) has/have been registered and is/are being used in bad faith:

The Complainant's official website in Hong Kong was opened in 2014 and its official website in Taiwan was opened in 2017, well before the Disputed Domain Name was registered and used. Before the Disputed Domain Name was registered, the Complainant's SHOPLINE brand had already gained sufficient visibility in the world (Annex 9 The history of use of the Complainant's official website). According to the Complainant's preliminary investigation and evidence, it was found that the Respondent had pointed the Disputed Domain Name to a website related to the Complainant's business, and the content of the website also appeared several times with the Complainant's SHOPLINE trademark (Annex 10 The history page of the website the Disputed Domain Names used to point to). This clearly shows that the Respondent knew or should have known the Complainant's business name and trademark when registering the domain name. The Complainant submits that the Respondent's use of the Disputed Domain Name to deliberately imitate the Complainant's SHOPLINE brand for profit is consistent with Policy 4B(iv) : by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your web site or location or of a product or service on your web site or location.

It is clear from the preceding paragraph that the Respondent's motive in registering the Disputed Domain Name was to create a website and sell goods for profit under the SHOPLINE brand, and that in the process, the Respondent used the Disputed Domain Name in a manner that infringed the Complainant's prior trademark and trade name rights in clear bad faith. Usually, once the Respondent's use of the Disputed Domain Name is proven to be in bad faith in a UDRP case, then it can be inferred that the Respondent registered the domain name in bad faith. Referring in part to the description in 3.2.1 of the WIPO Jurisprudential Overview 3.0: panels have found that UDRP paragraph 4(b)(iv), read in light of paragraph 4(a)(ii), can support an inference of bad faith registration for the Respondent to rebut. Such inference would be supported by a clear absence of the Respondent's own rights or legitimate interests, the nature of the domain name itself (i.e., the manner in which the domain name incorporates the Complainant's mark), the content of any website to which the domain name points – including any changes and the timing thereof, the Registrant's prior conduct generally and in UDRP cases in particular, the reputation of the Complainant's mark, the use of (false) contact details or a privacy shield to hide the registrant's identity, the failure to submit a response, the plausibility of any response, or other indicia that generally cast doubt on the registrant's bona fides.

Taking into account some special circumstances, assuming that the Respondent was unaware of the existence of the Complainant's SHOPLINE brand at the time it claimed to have registered the domain name, this does not affect the fact that the Disputed Domain Name was found to have been registered in bad faith. Referring in part to the description in 3.2.1 of the WIPO Jurisprudential Overview 3.0: Application of UDRP paragraph 4(b)(iv): in some cases, e.g., where it is unclear why a domain name was initially registered and the domain name is subsequently used to attract Internet users by creating a likelihood of confusion with a Complainant's mark, panels have found that UDRP paragraph 4(b)(iv), read in light of paragraph 4(a)(ii), can support an inference of bad faith registration for the Respondent to rebut. The circumstances of this case are just right, so the Complainant believes that there is no difficulty in determining whether the Disputed Domain Name was registered in bad faith.

Further, the Complainant has a company in Shenzhen and is locally influential. The Respondent is also located in Shenzhen and has easy access to the Complainant's SHOPLINE brand (Annex 11 the awards received by the Complainant in Shenzhen and some exhibitions attended). The Complainant believes that the Respondent was aware of the existence of the Complainant's SHOPLINE brand at the time of registration of the Disputed Domain Names and that the Respondent's registration of the Disputed Domain Name was made in bad faith.

In summary, the Complainant firmly believes that the Respondent has registered and used the Disputed Domain Name in bad faith.

The Complainant requests the Panel to determine that the domain names in question be transferred to the Complainant.

B. Respondent

The Respondent was duly notified by the HK Office of the Complaint filed by the Complainant and asked to submit a Response in accordance with the relevant stipulations under the Policy, the Rules and the ADNDRC Supplementary Rules. The Respondent failed to give any sort of defense in any form against the Complaint.

5. Findings

As this is a complaint involving two disputed domain names, according to Paragraph 4(f) of the Policy and Paragraph 10(e) of the Rules, the Panel shall decide a request by a Party (the Complainant in this case) to consolidate multiple domain name disputes in accordance with the Policy and Rules.

Paragraph 15(a) of the Rules sets out the principles that the Panel shall follow in deciding the complaint: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

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

Pursuant to Paragraph 4(a) (i) of the Policy, the Complainant must prove that the Disputed Domain Names are identical or confusingly similar to a trademark in which the Complainant has rights to. In order to meet this requirement, the Complainant provided copies of trademark registration certificates and records certifying its entitlement to the registered trademarks “SHOPLINE” before the Respondent registered the Disputed Domain Names. For instance, the Complainant registered the “SHOPLINE” trademark in Hong Kong (Reg. No. 302781090, Reg. Date: 28 October 2013) and in Chinese mainland (Reg. No. 49453995, Reg. Date: 7 May, 2021; 61521599, 14 June, 2022), the “**SHOPLINE**” trademark in Hong Kong (Reg. No. 305836771, Reg. Date: 20 December 2021; Reg. No. 305565060, Reg. Date: 17 March, 2021), and other jurisdictions such as Singapore, etc. Thus, the Panel has no problem in finding that the Complainant enjoys the prior trademark right to “SHOPLINE.” As such, what the Panel needs to do is to make a conclusion on the identity or confusing similarity between the Complainant’s registered trademarks “SHOPLINE” and the Disputed Domain Names.

With respect to the Disputed Domain Name “shopline-top.com,” its identifying part is “shopline-top,” which is a combination of “shopline” and “top” because of the middle hyphen, and the “top” is normally identified as a descriptive term. Comparing the “shopline” part of the Disputed Domain Name with the trademarks “SHOPLINE” of the Complainant, the Panel finds that they are identical except for the upper or lower case, which shall not distinguish the Disputed Domain Name from the Complainant’s

trademarks “SHOPLINE.” Moreover, the combination of “shopline” and “top” does not create a new meaning, which can distinguish itself from the Complainant’s “SHOPLINE.” On the contrary, only adding the “-top” after the Complainant’s trademark may easily mislead the general public to believe that the Disputed Domain Name is used or authorized to use by the Complainant or the Respondent has certain relations with the Complainant.

With respect to the Disputed Domain Name “shopllne.com,” the identifying part “shopllne” of the Disputed Domain Name and the Complainant’s trademark “SHOPLINE” share seven identical letters with the same order, and the only difference just lies in the sixth letters “l” and “I.” Obviously, the lowercase letter “l” and the uppercase letter “I” are extremely similar in respect of appearance, and the slight difference is that the letter “I” has a short horizontal line above it which cannot be easily distinguished by the consumers in China. All in all, the Disputed Domain Name “shopllne.com” will be easily mistaken to be owned by the Complainant or at least have some connections with the Complainant.

Therefore, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant’s trademarks “SHOPLINE,” and the Complainant has satisfied the first condition under Paragraph 4(a) of the Policy.

B) Rights and Legitimate Interests

The Complainant argues the Respondent is not in the identity of its distributor or partner and that it has never directly or indirectly authorized the Respondent to use the trademarks SHOPLINE and the corresponding domain names in any form. And the Complainant searched various national and regional trademark databases in the name of the Respondent and did not find that the Respondent had trademark rights in the name of SHOPLINE. The Complainant also contends that the name of the Respondent is 张智佳 and obviously it is impossible for him/her to enjoy the relevant name rights for SHOPLINE.

The Respondent did not make any response within the scheduled time, nor did it make any explanation or provide any evidence to prove its trademark rights, legitimate interests, or any other legal rights to the Disputed Domain Names.

Accordingly, the Panel concludes that the Complainant has provided preliminary evidence required by Paragraph 4(a) (ii) of the Policy and the burden of proof is transferred to the Respondent, who must overcome the burden of proof by showing its rights or legitimate interests of the Disputed Domain Names. However, the Respondent failed to respond to the Complaint and failed to submit any evidence in support of its contention. Hence, the Panel cannot come to a conclusion that the Respondent has rights or legitimate interests in respect of the Disputed Domain Names based on the evidence in hand.

Accordingly, the Panel finds the Complainant has satisfied the second condition under Paragraph 4(a) 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 you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or
- (ii) You have 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 you have engaged in a pattern of such conduct; or
- (iii) You have registered the domain name primarily for the purpose disrupting the business of a competitor; or
- (iv) By using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your 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 your website or location or of a product or service on your website or location.

First, the Complainant is mainly engaged in e-commerce website building platform that provides integrated solutions for global merchants in the area of retail, and the evidence submitted can prove that its "SHOPLINE" trademarks have enjoyed certain reputation prior to the registration dates of the Disputed Domain Names. Moreover, the Complainant also established "Shopleftechnology (Shenzhen) Co., Ltd." in Shenzhen in which the Respondent is located. The Respondent has never had any rights or legitimate interests in the said trademark, thus it is hard for the Panel to believe that it could be a mere coincidence that the Respondent registered the domain names that are confusingly similar to the Complainant's prior trademarks "SHOPLINE."

Second, based on the evidence submitted by the Complainant, the websites directed by Disputed Domain Names <shoplefte-top.com> and <shoplefte.com> indicate that: 1) the Respondent prominently and extensively used the Complainant's trademark "SHOPLINE" on the top of the website www.shoplefte-top.com; and 2) the Respondent directly used Complainant's trademark "SHOPLINE" in some titles to introduce itself on the websites, www.shoplefte-top.com and www.shoplefte.com, such as "About SHOPLINE"; and 3) the Respondent posted the confusing statements on the websites, www.shoplefte-top.com and www.shoplefte.com, such as "SHOPLINE is located in Hong Kong...", "SHOPLINE, as the largest global smart store opening platform in Asia...", "more than 350,000 brands across Asia have used SHOPLINE to open online stores," "SHOPLINE global smart store platform is committed to providing all-round retail solutions" and "SHOPLINE's brand-new e-commerce model has brought great convenience to manufacturers and stores," etc. All of these confusing statements refer to the Complainant or introduce the Complainant's core products and businesses.

The extensive use of the Complainant's trademarks "SHOPLINE" and "SHOPLINE" and the descriptions about the Complainant on the websites are highly likely to lead the customers into believing that the websites are operated by the Complainant or have relationship with the Complainant. Further, the evidence also reveals that the

Respondent is selling “Shirts” on the website www.shopline-top.com, which can infer that the Respondent’s above acts attempted to attract Internet users to the Respondent’s websites for commercial benefits.

In consideration of the distinctiveness and certain reputation of the Complainant’s prior trademarks, the Respondent knows or should have known the Complainant’s prior trademarks, while the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by him/her of the Disputed Domain Names. The Panel may infer that the use of the Disputed Domain Names by the Respondent is obviously for obtaining unjustified commercial gain and to unjustly attract Internet users to its web sites, which is likely to cause confusion in respect of the source, sponsorship, affiliation, or endorsement between the websites of the Respondent and the Complainant. This is exactly the circumstances as set forth in Paragraph 4(b) (iv) of the Policy.

Accordingly, the Panel finds that the Complainant has satisfied the third condition under Paragraph 4(a) of the Policy and the Respondent has registered and is using the Disputed Domain Names in bad faith.

6. Decision

Having established all three elements required under the ICANN Policy, the Panel concludes that relief should be granted. Accordingly, the Panel decides that the Disputed Domain Names <shopline-top.com> and <shopllne.com> shall be transferred to the Complainant.



Dr. Lulin GAO
Panelist

Dated: 20 December 2022