



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2201697
Complainant:	THE GILLETTE COMPANY LLC
Respondent:	sdfsdf sdfsdf / sdfsdgbsdfgdsgs
Disputed Domain Name(s):	< gillettevector2.com > < gillettevector3.com >

1. The Parties and Contested Domain Name

The Complainant is THE GILLETTE COMPANY LLC, of One Gillette Park, Boston, Massachusetts 02127, United States of America. The Complainant authorized Baker & McKenzie, of 14F, One Taikoo Place, 979 King's Road, Quarry Bay, Hong Kong, as its representative in this case.

The Respondent is sdfsdf sdfsdf / sdfsdgbsdfgdsgs, of zczxczxcxz, zczxc, xzcz, 234567, CG.

The domain names at issue are gillettevector2.com and gillettevector3.com, registered by Respondent with Network Solutions, LLC (the Registrar).

2. Procedural History

On November 21, 2022, the Complainant filed a Complaint with the Hong Kong Office (HK Office) of Asian Domain Name Dispute Resolution Centre (ADNDRC) pursuant to the Uniform Policy for Domain Name Dispute Resolution, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October 1999 (the Policy), the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN Board of Directors on 28 September 2013 (the Rules) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy effective from 31 July 2015 (the Supplemental Rules). The HK Office notified by email to the Complainant the Receipt of Complaint on the same day.

On November 21, 2022, the HK Office transmitted by email to the Registrar a Notification for confirmation of the related registration information and confirmation that the disputed domain names have been locked and will not be transferred to another holder or registrar during the current administrative proceeding or for a period of 15 business days after the proceeding is concluded.

On November 25, 2022, the HK Office received email from the Registrar that confirmed (i) the disputed domain names are registered through Network Solutions, LLC, (ii) the

registrant is sdfsdf sdfsdf/ sdfsdfgbsdfgdsgrs (the Respondent), (iii) the Policy applies to the domain names, (iv) the WHOIS information for the domain names, (v) the disputed domain names will remain locked during the pending administrative proceeding, and (vi) the language used at the time of registration is English.

On November 25, 2022, the HK Office sent a Notification of Deficiencies of the Complaint to the Complainant by email, among which the WHOIS information of the disputed domain names provided by the Registrar was transmitted to the Complainant.

On November 30, the Complainant updated the Complaint and other document upon the request, and HK Office therefore confirmed by email that the Complaint is in administrative compliance with the Policy and the Rules. On the same day, the HK Office sent a Written Notice of Complaint by email to the Respondent, however, it did not receive a response from the Respondent in respect of the domain names within the required time.

The Complainant elected to have the Complaint decided by one Panelist and the Respondent made no objection. On December 21, 2022, the HK Office appointed Mr. XIE Guanbin as the sole Panelist in this matter and the panelist confirmed his independent and impartial act between the parties.

3. Factual background

The Complainant is THE GILLETTE COMPANY LLC, of One Gillette Park, Boston, Massachusetts 02127, United States of America. The Complainant was established in 1901 and now is internationally renowned in men's grooming product industry.

The Respondent is sdfsdf sdfsdf / sdfsdfgbsdfgdsgrs, of zczxczxcxz, zczxc, xzcz, 234567, CG.

4. Parties' Contentions

A. Complainant

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

The Complainant first claimed it enjoys a high reputation and brand value around the world and submitted attachment III to VII. The Gillette Company LLC established in 1901 and now is the world leader in men's grooming product industry. The Complainant ranks 275th in 2005 Forbes magazine's "Ranking of the World's Top 2,000 largest companies" (GLOBAL 2000), and its market value ranks 97th. In 2005, the Complainant has been ranked 15th among the World's Top 100 Brands (The 100 Top Brands) by Business Week, and the brand value high as 17.53 billion dollars. In January 2005, Procter & Gamble, the world largest consumer goods corporation acquired the Gillette Company for US\$57 billion. In 2021, Brand Finance, a UK-based Brand Evaluation Organization has listed Gillette as No. 2 Valuable Cosmetics and Personal Care Brand in "World's 50 Most Valuable Cosmetics and Personal Care Brands".

Regarding the market in China, the Complainant claimed its "GILLETTE" trademark has become widely known among Chinese consumers and the relevant public as a result of its long-term promotion and use in China. Long before the registration date of the disputed domain names (February 26, 2014), numerous publications and online media in China have extensively promoted the "GILLETTE" brand and products. See Attachment VIII. In addition, the Complainant and its Chinese affiliate Guangzhou Procter & Gamble Company Limited (广州宝洁有限公司) registered the domain names <gillette.com> on August 29, 1994 and <gillette.com.cn> on September 27, 2005 respectively, which are used in relation to the Complainant's official websites. These websites have been accessible to the public since the registration of the underlying domain names. The Complainant's "GILLETTE" trademark is prominently displayed at the top of the homepage of these websites. See Attachment IX. The Complainant has also opened online flagship stores on Tmall and JD.com to target Chinese consumers.

The Complainant then claimed it clearly owns prior rights in the "GILLETTE" and "VECTOR" trademarks. The Complainant obtained its first-ever registration for the "GILLETTE" trademark in Classes 8 and 10 (Reg. No. 19090147) in Hong Kong as early as 1909, and "VECTOR" trademark was first-registered in Class 8 (Reg. No. 000368720) in European Union in 1996. Both registrations are long before the registration date of the disputed domain names (February 26, 2014). Additionally, the Complainant submitted "GILLETTE" and "VECTOR" trademarks registrations in Hong Kong, mainland China, United States and European Union. See Attachment II.

The disputed domain names <gillettevector2.com> and <gillettevector3.com> contain the following two elements:

Disputed Domain Name	First Element	Second Element
gillettevector2.com	gillettevector2	.com
gillettevector3.com	gillettevector3	.com

The disputed domain names <gillettevector2.com> and <gillettevector3.com> combine the Complainant's "GILLETTE" and "VECTOR" trademarks. The only differences are in the use of the number "2" and "3" and suffix ".com" in the domain names.

Numerous UDRP precedents have established that the top-level domain ".com" does not have trademark significance and confers no distinctiveness to the domain name sufficient to avoid user confusion. The suffix ".com" should therefore be disregarded. As "2" and "3" are just a number, it is also well established that it cannot be recognized as being distinctive (Gemological Institute of America, Inc. v. 赵贵家 <gia100.com> (ADNDRC Case No. HK-1901212), 花王株式会社 v. Guangzhou Kaoking Chemical Co., Ltd <kao-020.com> (ADNDRC Case No. HK-1801072) and WIPO Jurisprudential Overview 3.0, § 1.8).

Moreover, the disputed domain names <gillettevector2.com> and <gillettevector3.com> not only combine the Complainant's "GILLETTE" and "VECTOR" trademarks, but they can also be referred as the Complainant's product model "Gillette Vector" which is a famous model and currently available for sales in public market. See Attachment X. The feature of "Gillette Vector" is the razor with 2 or 3 self-adjusting blades, therefore the disputed domain names with the combination of the Complainant's "GILLETTE" and "VECTOR" trademarks and "2" and "3" may confuse the internet users that the disputed domain names are connected or associated with the Complainant.

These high degree of similarity between the Complainant's trademarks and the disputed domain names will no doubt mislead internet users into believing that the websites are somehow operated by or associated with the Complainant. Therefore, it is clear that the disputed domain names are confusingly similar to the Complainant's "GILLETTE" and "VECTOR" trademarks.

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

According to the WHOIS record, the Respondent registered the disputed domain names on February 26, 2014, long after most of the dates of application and registration of the Complainant's "GILLETTE" and "VECTOR" trademarks. See Attachment I.

After over 120 years of extensive use, the "GILLETTE" trademark has acquired significant recognition worldwide. The "GILLETTE" and "VECTOR" marks are not a term commonly used in the English language. The Complainant and the Respondent have no prior connection, and the Respondent has not been authorized by the Complainant to use its mark within the context of the disputed domain names. There is also no evidence that the Respondent has become commonly known by reference to the disputed domain names. It is therefore impossible to conceive of any circumstances in which the Respondent would use the disputed domain names, except in a deliberate attempt to take advantage of the "GILLETTE" and "VECTOR" trademarks for commercial gain.

The Complainant confirms that the Respondent is not contracted by or otherwise affiliated with the Complainant, and the Complainant has never licensed or authorized the Respondent to use the "GILLETTE" and "VECTOR" trademarks in the disputed domain names. It follows that a prima facie case has been established on this issue, and the burden of proof should therefore shift to the Respondent to prove that it has rights or legitimate interests in the disputed domain names (see WIPO Jurisprudential Overview 3.0, § 2.1 and cases cited therein).

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

The Complainant submits that i) the Respondent has used the disputed domain names <gillettevector2.com> and <gillettevector3.com> intentionally to attempt to attract internet users for commercial gain, by misleading users into believing that the Respondent and the disputed domain names are connected with

Complainant's "GILLETTE" and "VECTOR" trademarks and business or that it is otherwise affiliated with, or sponsored or endorsed by the Complainant, and ii) the Respondent registered the disputed domain names <gillettevector2.com> and <gillettevector3.com> with the intention of tarnishing the Complainant's goodwill in its "GILLETTE" and "VECTOR" trademarks. As shown in Attachment XI, the disputed domain names <gillettevector2.com> and <gillettevector3.com> resolve to the websites with contents in gambling activities.

The Respondent is not using the disputed domain names <gillettevector2.com> and <gillettevector3.com> for fair and non-commercial purposes. On the contrary, the disputed domain names host and advertise gambling content, obviously for commercial gain. It is well-established that using a domain name to tarnish a complainant's mark by unseemly conduct in linking unrelated pornographic, gambling, violent or drug-related images or information to an otherwise wholesome mark can constitute evidence of a respondent's bad faith (see WIPO Jurisprudential Overview 3.0, § 3.12 and cited case V&V Supremo Foods, Inc. v. pxlchk1@gmail.com (WIPO Case No. D 2006-1373); see also Ningbo Zhongzhe Mushang Holding Co. LTD v. Xiang Ma <gxgmall.com> (ADNDRC Case No. HK-2001412) and cases cited therein).

Given the high level of fame and well-established wholesome reputation that the Complainant enjoys globally, the Respondent must have had prior knowledge of the Complainant's "GILLETTE" and "VECTOR" trademarks before registering the disputed domain name on February 26, 2014.

Besides, the Complainant further pointed out that the Respondent's registered email address have registered a total of 2542 domain names. The number of domain names registered by the Respondent has completely exceeded the needs of normal business use, unless the Respondent has a reasonable explanation can be provided, otherwise it can only be determined that the Respondent has registered so many domain names with malicious intentions in order to obtain illegitimate benefits. See Attachment XII.

Therefore, it is clear that the disputed domain names were registered and are being used in bad faith to tarnish the Complainant's "GILLETTE" and "VECTOR" trademarks, brands and trade names, and to create confusion with the intention to attract and increase internet traffic by misleading users into believing that the Respondent and the disputed domains are connected with Complainant's trademarks and business or that it is otherwise affiliated with, or sponsored or endorsed by the Complainant.

B. Respondent

The Respondent did not submit any response within the required time.

5. Findings

Pursuant to the Registration Agreement between the Respondent and the Registrar, the ICANN Uniform Domain Name Dispute Resolution Policy shall apply to this dispute resolution Proceeding.

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

In accordance with the WHOIS registration information provided by the Registrar, the disputed domain names were registered on February 26, 2014, which are currently active, and the expiration date is February 26, 2023.

To prove its prior trademarks, the Complainant submitted some of its registrations for trademarks that comprise or contain "GILLETTE" and VECTOR" in Attachment II, including 26 trademarks in Hong Kong, 67 trademarks in mainland China, 7 trademarks in United States and 5 trademarks in European Union. Among others, the "GILLETTE" trademark (No. 19090147) was registered with the earliest date on September 22, 1909, recorded by Trade Marks Registry, Intellectual Property Department, the Government of the Hong Kong Special Administrative Region. The first "VECTOR" trademark (No. 000368720), as recorded by European Union Intellectual Property Office, was applied on October 29, 1966 and the registration date was on November 10, 1998. Both trademarks are valid and the registrations are long before the registration date of the disputed domain names on February 26, 2014.

WHOIS information in Attachment IX shows the Complainant is the registrant organization of domain name <gillette.com>, which was registered on August 29, 1994 and expires on August 28, 2023. Another WHOIS information searched on China Internet Network Information Center records that the Complainant's affiliate, Guangzhou Procter & Gamble Company Limited (广州宝洁有限公司) registered the domain name <gillette.com.cn> on September 27, 2005, and the expiration date is September 27, 2023.

Whereas the Respondent has no response to the Complainant's evidence, the Panel, pursuant to the Policy, accepts the content of the aforesaid evidence and confirms that Complainant has prior trademark rights in " GILLETTE " and " VECTOR", and prior rights in domain name of " gillette.com " for purposes of this proceeding.

With regard to the disputed domain names, both of them consist of three parts, i.e. gillettevector, number (2 and 3) and .com. 2 and 3 are numbers which is lack of significance of identification. ".com" is the suffix of the international top-level domain name and does not have any distinctive function. With respect to the main part of the disputed domain names, "gillettevector" can be recognized as the distinctive part. However, "gillettevector" is simply combining the Complainant's prior trademarks "GILLETTE" and "VECTOR", which has a high degree of possibility to lead to confusion of the connection between the Complainant and the websites under the disputed domain names.

Accordingly, the Panel finds the disputed domain names are identical and confusingly similar to the prior trademarks in which the Complainant has rights. The Complainant has satisfied paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Complainant has rights in prior trademarks "GILLETTE" and "VECTOR" as found in A), and the Complainant further confirmed neither prior connection with the Respondent nor permission or authorization are given to the Respondent to use its trademarks within the context of the disputed domain names, therefore, the Respondent lacks rights or legitimate interests in the disputed domain names. The Panel is of the opinion that the Complainant has established a *prima facie* case in respect of the lack of rights and legitimate interests of the Respondent, and then the Respondent shall carry the burden of proof for its rights and legitimate interests in the disputed domain names.

As stated in paragraph 4(c) of the Policy, any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate the respondent's rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii):

- (i) before any notice to the respondent of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Since the Respondent does not make any refutation against the Complainant, nor did it submit any evidence to prove its rights or interests. The Panel cannot conclude the Respondent has rights or legitimate interests in the disputed domain names in accordance with the present evidence.

The Panel therefore finds the Complaint has satisfied paragraph 4(a)(ii) of the Policy.

C) Bad Faith

The Policy provides, at Paragraph 4(b), Evidence of Registration and Use in Bad Faith. For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent has registered or has 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 the respondent's 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 the respondent's web site or location

The Complainant claimed that the Respondent used the disputed domain names <gillettevector2.com> and <gillettevector3.com> intentionally to attempt to attract internet users for commercial gain, by misleading users into believing that the Respondent and the disputed domain names are connected with Complainant's "GILLETTE" and "VECTOR" trademarks and business or that it is otherwise affiliated with, or sponsored or endorsed by the Complainant. The disputed domain names are effectively identical with and certainly confusingly similar to the Complainant's "GILLETTE" and "VECTOR" trademarks. On the other hand, the Complainant also submitted that the Respondent registered the disputed domain names with the intention of tarnishing the Complainant's goodwill in its "GILLETTE" and "VECTOR" trademarks, by using the domain names for gambling activities.

To prove the bad faith of the Respondent, the Complainant also conducted investigation on domain name registration state of the Respondent, and found the Respondent's registered email address has registered a total of 2,542 domain names, which completely exceeds the needs of normal business use and shows its malicious intentions in order to obtain illegitimate benefits. After reviewing the enquiring result on www.domaintools.com, the Panel found that the website shows that the email address of the Respondent "svcfv6@163.com" registered 2,542 domain names, however, the website cannot show the details of the domain names, such as the specific domain names and the create date. Considering that the Policy does not prohibit a subject from registering more than one domain name or requires that only the fact of registration of more than one domain name indicates bad faith, the Panel finds that the registration state above does not indicate that the Respondent registered or used the disputed domain name in bad faith.

The Respondent did not respond to the complaint or submitted any evidence within the required time.

Based on the evidence in this case, the Panel has reason to conclude that the Complainant's "GILLETTE" brand has a high reputation and is well-known globally, and "VECTOR" is one of the famous razor models of the Complainant. The Respondent had prior knowledge of the Complainant's "GILLETTE" and "VECTOR" trademarks before its registration of the disputed domain names. Therefore, the simple combination of "GILLETTE" and "VECTOR" in the disputed domain names creates a likelihood of confusions with the Complainant's marks and indicates the Respondent's bad faith to misleading the internet users into believing the websites are owned, sponsored, endorsed by or affiliated with the Complainant. Additionally, gambling use of the websites operated under the disputed

domain names can also indicate the Respondent's bad faith to tarnish the Complainant's brand and good will.

In conclusion, the Panel finds the Complaint has satisfied paragraph 4(a)(iii) of the Policy.

6. Decision

For all the foregoing reasons, pursuant to paragraph 4(a) of the Policy and paragraph 15 of the Rules, the Panel orders that the disputed domain names "gillettevector2.com" and "gillettevector3.com" be transferred to the Complainant.



XIE Guanbin
Panelist

Dated: January 3, 2023