



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2201709
Complainant:	Tineco Intelligent Technology Co., Ltd.
Respondent:	CLEANER CARPETS (DEVON) LIMITED
Disputed Domain Name(s):	<tinecoaspi.com>

1. The Parties and Contested Domain Name

The Complainant is Tineco Intelligent Technology Co., Ltd. (“Complainant”) of No. 108, Shihu West Road, Wuzhong District Suzhou City, Jiangsu, 215168, CN.

The Respondent is CLEANER CARPETS (DEVON) LIMITED (“Respondent”) of Higher Castle Dyke, 47 Highweek Village, Newton Abbot, Devon, England.

The domain name at issue is <tinecoaspi.com> (“Disputed Domain Name”), registered by Respondent with CloudFlare, Inc. (“Registrar”) of 251 West 30th Street, 16th Floor New York, NY 10001.

2. Procedural History

On 28 December 2022, the Complainant filed a Complaint involving the Disputed Domain Name <tinecoaspi.com> with the Hong Kong Office of Asian Domain Name Dispute Resolution Centre (“Centre”), pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), approved by ICANN Board of Directors on 28 September 2013 and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”) effective from 31 July 2015.

On 29 December 2022, the Centre transmitted by email to the Registrar a request for confirmation of the WHOIS records of the Disputed Domain Name and other related information.

On 4 January 2023, the Registrar confirmed by email that it is the registrar of the Disputed Domain Name that was registered by the Respondent; and that the Policy is applicable to the dispute relating to the Disputed Domain Name and the language of the Registration Agreement of the Disputed Domain Name is English and provided to the Centre the Respondent’ email address and other WHOIS information of the Disputed Domain Name.

On 9 January 2023, in accordance with Articles 2(a) and 4(a) of the Rules, the Centre issued a Written Notice of the Complaint and formally notified the Respondent of the commencement of the proceedings in this dispute. In accordance with Article 5(a) of the Rules, the due date for the Respondent to submit a Response to the Complaint was 29 January 2023.

On 30 January 2023, the Centre issued a notification of the Respondent in Default, confirming that the Centre did not receive response forms from the Respondent in respect of the complaint concerning the Disputed Domain Name within the required time.

On 31 January 2023, the Centre appointed Prof Chan-Mo Chung as the sole panelist of the Panel in this matter. Prior to the appointment, the said sole panelist had submitted to the Centre his Statement of Acceptance and Declaration of Impartiality and Independence in compliance with Article 7 of the Rules.

3. Factual background

The Complainant, Tineco Intelligent Technology (“Tineco”), is a manufacturer of home electrical appliances, founded in 1998 as a sub-brand of Ecovacs Robotics, Inc. Tineco gained hundreds of domestic and international patents and generated sales globally.

The Respondent seems to be a private limited company, founded in 2021.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The Disputed Domain Name is identical or confusingly similar to a trademark in which the complainant has rights
The Complainant has the prior right of the trademark ‘Tineco’, which predates the time of applying for the Disputed Domain Name. The main part of the Disputed Domain Name, removing the suffix .com, is a combination of ‘tineco’ and ‘aspi’. ‘aspi’ is the industry-wide word for a vacuum cleaner in French. ‘tineco’ is identical to the Complainant’s core trademark. Accordingly, the Complainant submits that the Disputed Domain Name is likely to cause confusion.
- ii. The respondent has no rights or legitimate interests in respect of the Disputed Domain Name
The Complainant states that it 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 ‘Tineco’.
- iii. The Disputed Domain Name has been registered and is being used in bad faith
The Complainant submits that the Respondent’s use of the Disputed Domain Name to deliberately imitate the Complainant’s Tineco brand for profit.
- iv. Therefore, the Complainant requests that the Disputed Domain Name <tinecoaspi.com> should be transferred to the Complainant.

B. Respondent

The Respondent did not respond to Complainant's contentions.

5. Findings

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

When comparing the Disputed Domain Name <tinecoaspi.com> with the Complainant's mark 'Tineco', the relevant comparison should be made between the second level of the domain name because '.com' as the most commonly used top level domain plays little distinguishing function. With regard to 'tinecoaspi', it is a combination of 'tineco' and 'aspi'. And, although The Panel has limited knowledge of the French language, dictionary consultation suggests that 'aspi' is a word related to vacuum cleaners in French. Thus, 'aspi' rather increases the likelihood of confusion than diminishes it in this case.

Therefore, The Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's trade mark.

B. Rights and Legitimate Interests

From the following undisputed facts, The Panel finds that the Complainants has established a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the domain name:

The Complainant states that it 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 'Tineco'. The trade name of the Respondent, CLEANER CARPETS (DEVON) LIMITED, has nothing to do with 'Tineco'. The Complainant avows that the Respondent is not a distributor or partner of the Complainant. Finally, the Complainant said that it has never authorized the Respondent to use the trademark 'Tineco' or a corresponding domain name.

C. Bad Faith

The Panel notes the following facts: Tineco entered the US market in May 2018 and, according to Amazon's February 2019 market share data for cordless vacuum cleaner in the US, Tineco jumped to second place with a 12.9% market share. In 2021, Tineco's overseas business revenue increased by 180.65% year-on-year, accounting for 31.66% of revenue. Currently, Tineco hoovers are sold in more than 100 countries and regions and have gained a good reputation among customers and users in the international market as represented by the numerous industry awards it has won, such as the CES Innovation

Awards 2020, Trusted Reviews BEST smart cordless vacuum of 2019, the Red dot awards 2020, the Red dot awards 2021, among others.

The Complainant has trademark rights of 'Tineco' in several countries and territories including the European Union, and these trademark registrations predate the registration of the Disputed Domain Name (7 December 2022). For example: Chinese Trade Mark Registration No. 28051059A (28 December 2018), Hong Kong Trade Mark Registration No. 304499759 (20 April 2018), and European Union Trade Mark Registration No. 018482808 (15 September 2021).

Thus, the Complainant has shown its rights in the 'Tineco' trademark and the mark's reputation in the area of vacuum cleaning appliances at least. The Panel finds that the Respondent, an undertaking in the same area, knew or should have known the Complainant's mark when registering the domain name.

The Panel also notes the facts that the Respondent currently uses the Disputed Domain Name to host a website which sells Tineco products and does not make any effort to avoid consumer confusion. The Respondent's website rather deliberately imitated the Complainant's 'Tineco' brand and pretended as if it is a Complainant's official website.

The Respondent has not disputed the Complainant's contentions. Neither does the Panel see any plausible ground to justify the registration or use of the Disputed Domain Name in good faith by the Respondent.

Therefore, The Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

D. Conclusion

Thus, The Panel finds that the Complainant has proved all three elements required under Paragraph 4(a) of the Policy.

6. Decision

For the foregoing reasons, in accordance with Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders that the Disputed Domain Name, <tinecoaspi.com>, be transferred to the Complainant.



Chan-Mo Chung
Panelist

Dated: 13 February 2023