



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301730
Complainant:	Hangzhou Great Star Industrial Co., Ltd.
Respondent:	Huan Zhu
Disputed Domain Name:	<primeline-shop.com>

1. The Parties and Contested Domain Name

The Complainant is Hangzhou Great Star Industrial Co., Ltd. of NO.35 Jiu Huan Road, Shangcheng District, Hangzhou City, Zhejiang Province, China. The Complainant is represented in these administrative proceedings by Beijing Chofn Intellectual Property Agency Co., Ltd., whose address is 1218 12th Floor, No.68 West Road of North Fourth Ring, Haidian, Beijing 100081, China with email address of Terroir.zhang@chofn.com.

The Respondent is Huan Zhu, of China, QG5G+GM9 Yu'An, Lu'An, Anhui, China, with email address of taylorpeterson@uicenter.live.

The domain name at issue is <primeline-shop.com>, registered by the Respondent with Name.com, Inc., of 414 14th Street #200 Denver, Colorado 80202.

2. Procedural History

On 24 March 2023, the Complainant submitted a complaint in English to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“the ADNDRC-HK”) and elected this case to be dealt with by a one-person panel, in accordance with the Uniform Domain Name Dispute Resolution Policy (“the Policy”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”), the Rules for Uniform Domain Name Dispute Resolution Policy (“the Rules”) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“the ADNDRC Supplemental Rules”).

Upon receipt of the complaint, the ADNDRC-HK sent to the Complainant by email an acknowledgement of the receipt of the complaint and reviewed the format of the complaint for compliance with the Policy, the Rules and the ADNDRC Supplemental Rules. On 28 March 2023, upon request by the ADNDRC-HK, the Registrar transmitted by email to the ADNDRC-HK its verification response, confirming that the Respondent is listed as the registrant and providing the contact details.

On 28 March 2023, the ADNDRC-HK notified the Complainant that the information of the Respondent in the Complaint was different from the WHOIS information provided by the Registrar and asked the Complainant to update the information of the Respondent in the Complaint by 2 April 2023.

On 30 March 2023, the Complainant amended the Complaint and its Annexes. Upon receipt of the same, the ADNDRC-HK confirmed that the Complaint was in administrative compliance of the Policy and the Rules. Accordingly, on 6 April 2023, the ADNDRC-HK notified the Respondent about the commencement of the proceedings and the due date for the Respondent to file a response, being 20 days from 6 April 2023, i.e. 26 April 2023.

The Respondent had not filed any response within the stipulated time. On 27 April 2023, the ADNDRC-HK sent out notice noting that no response had been received and the complaint was to be proceeded to a decision by the Panel to be appointed.

On 27 April 2023, the ADNDRC-HK sent to Mr. Gary Soo a notification for the selection of a one-person panel to proceed to render the decision. Having received a declaration of impartiality and independence and a statement of acceptance, the ADNDRC-HK notified the parties on 27 April 2023 that the Panel in this case had been appointed, with Mr. Gary Soo acting as the sole panelist. On the same day, the Panel received the file by email from the ADNDRC-HK and was requested to render the Decision on or before 11 May 2023.

Language of Proceedings

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 proceedings 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 proceedings.

The language of the current Disputed Domain Name registration agreement is English and, there being no otherwise agreement, the Panel determines English as the language of the proceedings.

3. Factual background

The Complainant

The Complainant is Hangzhou Great Star Industrial Co., Ltd. of NO.35 Jiu Huan Road, Shangcheng District, Hangzhou City, Zhejiang Province, China. The Complainant is represented in these administrative proceedings by Beijing Chofn Intellectual Property Agency Co., Ltd., whose address is 1218 12th Floor, No.68 West Road of North Fourth Ring, Haidian, Beijing 100081, China with email address of Terroir.zhang@chofn.com.

The Respondent

The Respondent is Huan Zhu, of China, QG5G+GM9 Yu'An, Lu'An, Anhui, China, with email address of taylorpeterson@uicenter.live.

4. Parties' Contentions

A. The Complainant

The Complainant in this case, HangZhou Great Star Industrial Co. , Ltd., was established in 1993 and is an enterprise specializing in the development, production and sales of medium and high-grade hand tools, power tools and other tools and hardware products. The PRIME-LINE brand is owned by the Complainant and its trademark rights are owned by PRIME-LINE PRODUCTS, LLC, which was acquired by the Complainant in 2019 and is an affiliate of the Complainant.

Prior decisions under the UDRP Policy indicate that the determination of whether a complaint satisfies the requirements of Rule 4(a)(i) of the Policy should be made by directly comparing the character composition of the disputed domain name with that of the Complainant's mark to determine whether the disputed domain name is identical or confusingly similar to the Complainant's mark. Obviously, the disputed domain name primeline-shop.com completely contains the complainant's PRIME-LINE trademark. Accordingly, the Complainant submits that the Disputed Domain Name contains all or at least one of the main features of the Complainant's PRIME-LINE mark and is likely to cause confusion.

According to the Complainant's preliminary investigation, The Respondent has no trademark or name rights in PRIME-LINE. And the fact that the Respondent registered the Disputed Domain Name and directed it to a page on a website similar to the Complainant's business was clearly in bad faith.

The Complainant believes that the disputed domain names can easily lead to consumer confusion, and the Respondent does not have legal rights to the disputed domain name; and the Respondent has malicious intent in the registration and use of the disputed domain names. The behavior of the Respondent has seriously violated the legal rights of the Complainant.

For all the foregoing reasons, the behavior of Huan Zhu should be listed as the Respondent of this case.

The Complainant further submits as follows and provides documentary proof for the same:

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

The Complainant is the largest manufacturer and supplier of hand tools in Asia, a world leader in laser measuring and intelligent control products, an emerging leader in several adjacent markets and one of the largest forklift companies in the world. Its products cover hand tools, power tools, pneumatic fastening tools, laser measuring tools, LIDAR, tool cabinets, industrial storage cabinets, industrial hoovers, etc. The Complainant was listed on the Shenzhen Stock Exchange in July 2010, stock code 002444. Since 2010, the Complainant has completed the acquisition of many brands such as Goldblatt, PONY&JORGENSEN, PT Laser, Arrow, Lista and PRIME-LINE. By now the Complainant owns several world-

class century-old tool brands, with 21 production bases, 5 R&D centres and over 12,000 employees worldwide.

The Complainant made a wholly owned acquisition of the PRIME-LINE brand in 2019. Over 40 years since its inception, PRIME-LINE has been recognized as North America's largest supplier of window and door replacement hardware and is a leader in the Maintenance, Repair and Operations (MRO) industry. With a complete global supply chain, PRIME-LINE has a comprehensive warehouse system in North America to ensure efficient manufacturing and distribution of products throughout North America, and PRIME-LINE works extensively with major retailers, hardware distributors, operational (MRO) distributors, online retailers and specialist retail and wholesale distributors, selling to Global 500 companies such as Homedepot, Lowes, Amazon, and MRO companies such as HD Supply, Interline. As of 2018, PRIME-LINE achieved sales revenue of US\$76 million, with over 38,000 core SKUs, 29 unique brands and 40,000 sqm of warehouse.

From the above analysis, the Complainant's core brand, PRIME-LINE, has been widely promoted and used to achieve a high level of awareness and influence, and is well known to the relevant public. By searching PRIME-LINE through Baidu and GOOGLE search engines, most of the results point to the Complainant, which shows that PRIME-LINE form a strong correspondence with the Complainant's brand of PRIME-LINE (Annex 9 Search engine results). Based on the search results in Annex 9, it appears that there are other subjects corresponding to PRIME-LINE, but these subjects are not the Respondent in this case (hereinafter referred to as interfering subjects). The Complainant suggests to the Panelists that the above-mentioned interfering subjects are not a defence to the Respondent's confusion test against the first element.

In the disputed domain name primeline-shop.com, the .com is a generic domain name symbol and is not distinctive, and the .com should be ignored in determining confusing similarity. The disputed domain name primeline-shop.com removes the suffix .com, the remaining part is primeline-shop, which is a combination of primeline, the symbol -, and shop. Of these, shop is a generic word that does not serve to distinguish the goods in this case, and the symbol - has no real meaning and therefore the above 2 elements should not be used for textual comparison with the Complainant's mark.

From the above analysis, it is concluded that the main identifying part of the disputed domain name is PRIMELINE, which is basically the same as the Complainant's registered trademarks PRIME-LINE, with only one difference in the character composition. Prior decisions under the UDRP Policy indicate that the determination of whether a complaint satisfies the requirements of Rule 4(a)(i) of the Policy should be made by directly comparing the character composition of the disputed domain name with that of the Complainant's mark to determine whether the disputed domain name is identical or confusingly similar to the Complainant's mark. Obviously, the disputed domain name primeline-shop.com completely contains the complainant's PRIME-LINE trademark. Accordingly, the Complainant submits that the Disputed Domain Name contains

all or at least one of the main features of the Complainant's PRIME-LINE mark and is likely to cause confusion.

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

The disputed domain name effectively impersonates or suggests sponsorship or endorsement by the owner of the trademark and does not constitute fair use.

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 PRIME-LINE. 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 PRIME-LINE and the corresponding domain names in any form.

The name of the Respondent is Huan Zhu. Obviously, it is impossible for him to enjoy the name rights for PRIME-LINE.

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

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

The disputed domain name was applied for on 2022-09-19, prior to which the PRIME-LINE brand had already achieved a high level of global recognition. Accordingly, the Complainant submits that whether the Respondent is located in China or the United States, or any other country, does not affect the Panelist's finding that the Respondent was aware of the existence of the Complainant's PRIME-LINE mark prior to the registration of the domain name.

In the case that the Complainant's trademark is highly distinctive and well-known, there is almost no chance that the disputed domain name will be coupled with it. According to the Complainant's investigation of the disputed domain name, it was found that the content of the website it pointed to overlapped with the project operated by the Complainant. 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 believed that the Respondent did not avoid the Complainant's trademark when he knew or should have known the Complainant's trademark, and the act of choosing to apply for a domain name was malicious. Prior panels have found that knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith. See Annex 12 eBay Inc. v. Renbu Bai, WIPO Case No. D2014-1693 (The Complainant's worldwide reputation, and presence on the Internet, indicates that Respondent was or should have been aware of the marks prior to registering the Disputed Domain Name). The Complainant believed that the Respondent's application for domain name was governed by the "Policy" Article 4(b) stipulates that the fact

that the disputed domain name has been “registered in bad faith” shall be determined.

According to the Complainant's preliminary investigation and evidence, it was found that the Respondent has 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 PRIME-LINE trademark. The Complainant submits that the Respondent's use of the disputed domain name to deliberately imitate the Complainant's PRIME-LINE 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. And in conjunction with the bad faith use described above, it is possible to in turn find that the Respondent acted in bad faith at the time of registration of the domain name.

In summary, the Complainant firmly believes that the Respondent has registered and used the disputed domain name in bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

The Respondent is Huan Zhu, of China, QG5G+GM9 Yu'An, Lu'An, Anhui, China, with email address of taylorpeterson@uicenter.live. The Respondent registered the Disputed Domain Name on 19 September 2022.

The Respondent has not submitted a response within the stipulated time.

5. Findings

Paragraph 14 of the Rules provides that, in the event that a Party, in the absence of exceptional circumstances, does not comply with any of the time periods established by the Rules or the Panel, the Panel shall proceed to a decision on the complaint; and that, if a Party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

Paragraph 15(a) of the Rules instructs the Panel as to the principles that the Panel is to use in determining the dispute, stating that the Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

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

The Complainant was and is the holder of the various trademark registrations for the trademark "PRIME-LINE", i.e. the Complainant's Marks and the registrations were with various jurisdictions and of dates earlier than the registration of the Disputed Domain Name in issue by the Respondent. From the documents and evidence supplied, the Complainant is of wide scale operation with the Complainant's Marks, at places including China and the United States. To all these, the Panel accepts and finds that the Complainant has the necessary legal rights and interests over the Complainant's Marks for the purpose of the Complaint.

The Panel finds it clear that the Disputed Domain Name <primeline-shop.com> incorporates the "primeline" part and the "shop" part. The part "shop" is generic. The Panel accepts that the key distinctive identifications is the "primeline" individually and the "primeline-shop" collectively. To some internet users, these are individually and collectively confusing with "PRIME-LINE" and hence the Complainant's Marks and/or their related websites with the "primeline" part in the domain names. Both "primeline" in the Disputed Domain Name is identical and/confusingly similar to the "PRIME-LINE" marks and the "primeline-shop" in the Disputed Domain Name is also confusingly similar to the "PRIME-LINE" marks. The Panel believes that they being the lower-case versions do not change these findings. Thus, in the circumstances, the Panel also believes that the use of the Respondent of the Disputed Domain Name adds on to such confusions. In this case, Respondent created a likelihood of confusion with Complainant and its trademark by using the PRIME-LINE brand and name throughout the website, claiming association with Complainant by naming Complainant as a co-founder and shareholder of "primeline-shop".

Accordingly, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(i) of the Policy as regards <primeline-shop.com>.

B) Rights and Legitimate Interests

In the present case the Complainant alleges that Respondent has no rights or legitimate interests in respect of the domain name. Also, there is nothing from the Respondent showing that that the Complainant and the Respondent have any prior connection, and the latter has in any way been authorized by the former to use its mark in the Disputed Domain Name. As per the above, the Complainant's Marks have acquired significant recognition regionally and in places like Hong Kong, prior to the registration of the Disputed Domain Name. The Panel also notes that the registered address of the Respondent is also China.

Furthermore, the Panel accepts that the part "primeline-shop" is not a term commonly used in the English language or any language and there is also no evidence that the Respondent has been commonly known by the Disputed Domain Name or has in any way has any rights or justified association to the name of "primeline-shop". The Panel also agrees that there is no other evidence, except for the Respondent's name in the WHOIS, which

suggests that the Respondent is commonly known by the Disputed Domain Name. Thus, the Panel finds that the Respondent cannot be regarded as having acquired rights to or legitimate interests in the Disputed Domain Name.

To all theses, the Respondent does not respond to disagree or to submit contrary evidence. There is no application from the Respondent to serve any response to explain or to rebut.

Thus, in these circumstances, given the rights of the Complainant over the Complainant's Marks in places, including China which is the registered address of the Respondent according to the WHOIS information, the Panel finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(ii) 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 the Respondent has registered or 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 its 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 its website or location or of a product or service on its website or location.

The Complainant contends that it is clear that the Disputed Domain Name has been registered and is being used in bad faith. The Complainant highlights that the Complainant obtained its registration for the Complainant's Marks for years and had become widely known among internet users and the relevant public in the sectors and various regions. The Complainant submits that, from the print-outs and other evidence, the Respondent was clearly aware of and was targeting the Complainant and/or the Complainant's Marks and the associated goodwill in registering / using the Disputed Domain Name, as evidenced by the website that the Disputed Domain Name was pointing to. The Complainant submits that the use of the Respondent of the Disputed Domain Name also points to bad faith. To all these, the Respondent does not respond to disagree or to submit contrary evidence.

The Panel accepts these as factual findings and agrees with the Complainant that the Respondent registers the domain name in issue knowing the rights and interests of the Complainant over the Complainant's Marks. The Panel particularly notices that the Complainant's Marks had been registered as trademarks in Hong Kong, which is the same as the registered address of the Respondent according to the WHOIS information. Accordingly, the Panel finds that all these do constitute bad faith on the part of the Respondent in the use and registration of the Disputed Domain Name.

Therefore, the Panel also finds that the Complainant has succeeded in proving the elements in Paragraph 4(a)(iii) of the Policy as regards <primeline-shop.com>.

6. Decision

Having established all three elements required under the Policy in respect of the Disputed Domain Name <primeline-shop.com>, the Panel concludes that relief should be granted in favour of the Complainant. Accordingly, the Panel decides and orders that the Disputed Domain Name <primeline-shop.com> shall be transferred from the Respondent to the Complainant.



Gary Soo
Sole Panelist

8 May 2023