



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

## ADMINISTRATIVE PANEL DECISION

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<b>Case No.</b>	HK-2301751
<b>Complainant:</b>	<b>FULL SCALE FULL SPEED PTE. LTD.</b>
<b>Respondent:</b>	<b>Web Commerce Communications Limited</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;halarasouthafrica.com/ halarauae.com/ halarauk.com/ halarasingapore.com/ halaraphilippines.com/ halaracanada.com/ halaraaustralia.com/ halaradressuk.com/ halaramalaysia.com&gt;</b>

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### 1. The Parties and Contested Domain Name

The Complainant is FULL SCALE FULL SPEED PTE. LTD, of 71 UBI ROAD 1 #08-34 OXLEY BIZHUB SINGAPORE (408732).

The Respondent is Web Commerce Communications Limited, of Bukit Jalil, Kuala Lumpur, MY.

The domain names at issue are <halarasouthafrica.com/ halarauae.com/ halarauk.com/ halarasingapore.com/ halaraphilippines.com/ halaracanada.com/ halaraaustralia.com/ halaradressuk.com/ halaramalaysia.com>, registered by Respondent with ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED, of 51 BRAS BASAH ROAD, #04-08, LAZADA ONE, 189554, Singapore.

### 2. Procedural History

On 9 May 2023, the Complainant submitted a Complaint in English to the Hong Kong Office of the Asian Domain Name Dispute Resolution Center (the ADNDRC Hong Kong Office) 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) 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 the ADNDRC.

On 10 May 2023, the ADNDRC Hong Kong Office sent to the Complainant by email an acknowledgement of the receipt of the Complaint and transmitted by email to ICANN and the Registrar, ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED, a request for registrar verification in connection with the disputed domain names.

On 12 May 2023, the Registrar transmitted by email to the ADNDRC Hong Kong Office its verification response, confirming that the Respondent is listed as the registrant and providing the contact details. On 12 May 2023, the ADNDRC Hong Kong Office requested the Complainant to revise the Complaint. On 16 May 2023, the Complainant submitted the revised Complaint.

On 19 May 2023, the ADNDRC Hong Kong Office notified the Complainant that the Complaint has been confirmed and transmitted to the Respondent and the case officially commenced. On the same day, the ADNDRC Hong Kong Office transmitted the Written Notice of the Complaint to the Respondent, which informed that the Complainant had filed a Complaint against the disputed domain names and the ADNDRC Hong Kong Office had sent the complaint and its attachments through email according to the Rules and the Supplemental Rules. On the same day, the ADNDRC Hong Kong Office notified ICANN and registrar, ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED, of the commencement of the proceedings.

The Respondent failed to submit a Response within the specified time period (on or before 8 June 2023). On 9 June 2023, the ADNDRC Hong Kong Office notified the Respondent's default. Since the Respondent did not mention the Panel selection in accordance with the time specified in the Rules, the ADNDRC Supplemental Rules, and the Notification, the ADNDRC Hong Kong Office informed the Complainant and the Respondent that the ADNDRC Hong Kong Office would appoint a one-person panel to proceed to render the decision.

Having received a Declaration of Impartiality and Independence and a Statement of Acceptance from Mr. ZHAO Yun, the ADNDRC Hong Kong Office notified the parties on 12 June 2023 that the Panel in this case had been selected, with Mr. ZHAO Yun acting as the sole panelist. The Panel determines that the appointment was made in accordance with Paragraph 6 of the Rules and Articles 8 and 9 of the Supplemental Rules.

On 12 June 2023, the Panel received the file from the ADNDRC Hong Kong Office and should render the Decision within 14 days, i.e., on or before 26 June 2023.

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**

The Complainant in this case is FULL SCALE FULL SPEED PTE. LTD. The registered address is 71 UBI ROAD 1 #08-34 OXLEY BIZHUB SINGAPORE (408732). The authorized representative in this case is Beijing Chofn Intellectual Property Agency (Beijing) Co., Ltd.

The Respondent in this case is Web Commerce Communications Limited. The registered address is Bukit Jalil, Kuala Lumpur, Malaysia, 57000. The Respondent is the current registrant of the disputed domain names <halarasouthafrica.com/ halarauae.com/ halarauk.com/ halarasingapore.com/ halaraphilippines.com/ halaracanada.com/

halaraaustralia.com/ halaradressuk.com/ halaramalaysia.com>, which were registered on 4 January 2023 or 6 January 2023 according to the WHOIS information. The registrar of the disputed domain name is ALIBABA.COM SINGAPORE E-COMMERCE PRIVATE LIMITED.

#### 4. Parties' Contentions

##### A. Complainant

The Complainant's contentions may be summarized as follows:

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

Halara is a fast-emerging apparel brand that currently operates through its own e-commerce platform, selling women's sportswear directly to a global audience. It is popular with a large number of young consumers because of its excellent quality, affordable prices, innovative styles and excellent e-commerce shopping experience. Unlike traditional apparel companies, the Complainant, as a technology-driven Internet technology company, has strong technical research and development, traffic placement, brand marketing and supply chain capabilities. For example, while traditional apparel retail brands typically have "wasted inventory", the Complainant, with the support of computer technology, was the first to introduce Predictive Inventory Analysis (PIA) software, which can accurately use these predictive algorithms and real-time inventory analysis to correctly forecast demand, thus achieving a significant reduction in halara branded products. Significant reduction in inventory and product waste. The cost of inventory is passed on to consumers, allowing them to receive lower prices for their products and reduce their environmental impact. The complainant's excellent technical capability and good development momentum have attracted the attention and favour of investors, and it has received US\$30 million in Series A funding in mid-2020 and US\$100 million in Series B funding in mid-2021, respectively, from a number of top domestic and international funds, including Sequoia Capital, IDG, Capital Today, Morningside Capital, etc.

Since the creation of the brand, the Complainant has placed particular emphasis on creating a prominent image of the halara brand through social media on the internet and on increasing the influence of the halara brand among consumers, and the success achieved is clear for all to see. In terms of official social media activity, the official halara brand account on Instagram has managed to amass over 1.91 million followers in less than three years since its launch. On the short video platform TikTok, the official halara brand account has reached more than 486,100 followers. In addition, the Complainant has posted more than 197 million views related to halara on TikTok.

In addition, the Complainant has built its own e-commerce website and shopping app, of which the e-commerce website halara.com/thehalara.com was officially launched in October 2020 and has been used as the official sales website since then, and the HALARA app was officially launched on the Apple App Store in January 2021. As of April 2022, the HALARA App is available on the Apple App Store in 175 countries worldwide, including Mainland China, with approximately 700,000 downloads and HALARA brand sales in at least 175 countries and territories worldwide.

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, Halara has been in actual use and promotion for three years and has become highly recognisable in the world. By searching halara on google, all the results point to the Complainant. It follows that halara has a unique correspondence with the Complainant.

The Complainant has prior rights in the halara trademark. In the disputed domain names, the .com is a generic domain name symbol and is not distinctive, and the .com should be ignored in determining confusing similarity. Due to the large number of domain names, the Complainant has provided the following table:

<i>THE DISPUTED DOMAIN</i>	<i>THE REMAINING PART</i>	<i>THE GENERIC WORD</i>	<i>NOTE</i>
<i>halarasouthafrica.com</i>	<i>halarasouthafrica</i>	<i>southafrica</i>	<i>Name of the country</i>
<i>halarauae.com</i>	<i>halarauae</i>	<i>uae</i>	<i>UAE is the abbreviation of the country name of the United Arab Emirates</i>
<i>halarauk.com</i>	<i>halarauk</i>	<i>uk</i>	<i>UK is the abbreviation for the country name of the United Kingdom</i>
<i>halarasingapore.com</i>	<i>halarasingapore</i>	<i>singapore</i>	<i>Name of the country</i>
<i>halaraphilippines.com</i>	<i>halaraphilippines</i>	<i>philippines</i>	<i>Name of the country</i>
<i>halaracanada.com</i>	<i>halaracanada</i>	<i>canada</i>	<i>Name of the country</i>
<i>halaraaustralia.com</i>	<i>halaraaustralia</i>	<i>australia</i>	<i>Name of the country</i>
<i>halaradressuk.com</i>	<i>halaradressuk</i>	<i>dressuk</i>	<i>It's a generic word</i>
<i>halaramalaysia.com</i>	<i>halaramalaysia</i>	<i>malaysia</i>	<i>Name of the country</i>

From the above analysis, it is concluded that the main identifying part of the disputed domain names is halara, which is basically the same as the Complainant's registered trademark halara. 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 names completely contain the complainant's halara trademark. Accordingly, the Complainant submits that the disputed domain names contain all or at least one of the main features of the Complainant's halara trademark and are likely to cause confusion.

- ii. The respondent has no rights or legitimate interests in respect of the domain names.

The disputed domain names effectively impersonate or suggest sponsorship or endorsement by the owner of the trademark and do 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 halara. 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 trademark halara and the corresponding domain names in any form. The name of the Respondent is Web Commerce Communications Limited. Obviously, it is impossible for him to enjoy the name rights for halara. In summary, the Respondent does not have any rights or legitimate interest in the domain names.

- iii. The disputed domain names have been registered and is/are being used in bad faith.

The disputed domain names were applied for in 2023, prior to which the halara brand had already achieved a high level of global recognition. Accordingly, considering that halara is predominantly an e-commerce sales channel and that the power of the internet to spread is very high. The Complainant submits that the location of the Respondent does not affect the Panelist's finding that the Respondent was aware of the existence of the Complainant's halara trademark prior to the registration of the domain names.

In the case that the Complainant's mark has been exposed to an enormous amount of publicity and can be considered to be widely 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. 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 names to a website related to the Complainant's business, and the content of the website also appeared several times with the Complainant's halara trademark. The Complainant submits that the Respondent's use of the disputed domain name to deliberately imitate the Complainant's halara 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 names.

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

The Complainant requests that the disputed domain names <halarasouthafrica.com/halarauae.com/ halarauk.com/ halarasingapore.com/ halaraphilippines.com/halaracanada.com/ halaraaustralia.com/ halaradressuk.com/ halaramalaysia.com> should be transferred to the Complainant.

## B. Respondent

The Respondent failed to submit a Response within the specified time period.

## 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

Annex 5 (Proof of trademark authorization and change of name of the complaining company) and Annex 6 (detailed trademark registration certificate) submitted by the Complainant show that the Complainant successfully registered the trademark "halara" in China, the USA, the UK, the EU and Singapore. The earliest trademark "halara" was registered in the UK on 14 December 2020, earlier than the earliest registration date of the nine disputed domain names, i.e. 4 January 2023. All trademark registrations are still within the trademark protection period. The Panel has no problem in finding that the Complainant enjoys the prior trademark right over "halara".

All the nine disputed domain names end with ".com", which only indicates that the domain names are registered under this gTLD and is not distinctive. To consider the identity or confusing similarity, the Panel only needs to examine the main part of the disputed domain names.

The main parts of all the nine disputed domain names (except the disputed domain name No. 8) include two sub-parts, taking the form of "halara", which is the Complainant's trademark, and the names of countries (1. South Africa; 4. Singapore; 5. Philippines; 6. Canada; 7. Australia; 9. Malaysia) or abbreviations of countries (2. UAE; 3. UK).

The main part of the disputed domain name No. 8 "halaradressuk.com" include three sub-parts; apart from the sub-part taking the form of the Complainant's trademark "halara", the other two sub-parts are "dress" (which is a generic term and coincides with the main business of the Complainant "sweatshort") and the abbreviation of the country "UK". The

Panel finds that the addition of the names or abbreviations of countries or other generic terms to a trademark does not alter the underlying mark to which it is added.

In this case, the combination of two or three sub-parts cannot effectively differentiate the main part of the disputed domain names from the Complainant's trademark; on the contrary, such a combination strengthens the links between the disputed domain names and the Complainant, misleading the consumers to believe that the domain names are to show the Complainant's existence in specific countries. Therefore, the disputed domain names are confusingly similar to the Complainant's trademark "halara".

The Panel holds, accordingly, that the Complaint fulfills the condition provided in Paragraph 4(a)(i) of the Policy.

### **B) Rights and Legitimate Interests**

The Complainant contends that the Respondent does not have rights to or legitimate interests in the disputed domain names. The Complainant has never authorized the Respondent to use the trademark or the disputed domain names. The Complainant's assertion is sufficient to establish a prima facie case under Paragraph 4(a)(ii) of the Policy, thereby shifting the burden to the Respondent to present evidence of its rights or legitimate interests.

The Respondent has failed to show that the Respondent has any rights or legitimate interests in respect of the disputed domain names. The Respondent is not commonly known by the disputed domain names. No evidence has shown that the Respondent is using or plans to use the disputed domain names for a bona fide offering of goods or services, which will be further elaborated below. The act of registering the disputed domain names does not automatically endow any legal rights or interests with the Respondent.

The Panel therefore finds that the Complaint fulfills the condition provided in Paragraph 4(a)(ii) of the Policy.

### **C) Bad Faith**

Paragraph 4(b) of the Policy states that the following circumstances in particular, but without limitation, shall be evidence of registration and use of a domain name 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 documented out-of-pocket costs directly related to the domain name; or
- (ii) The respondent 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 online 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.

Annex 4 (The Complainant's subject qualification certificate, hereinafter referred to as the Complainant or halara) submitted by the Complainant shows that the Complainant is a Singaporean company founded in 2020 for the production, sales and operations of the halara branded sweatshirts. Annex 5 (Proof of trademark authorization and change of name of the complaining company) and Annex 6 (detailed trademark registration certificate) show that the Complainant successfully registered the trademark "halara" in China, the USA, the UK, the EU and Singapore.

Annex 7 (halara financing coverage) and Annex 8 (Number of followers on Halara's official social accounts) show that the Complainant has reported in the news and is popular in the social media platforms like Instagram and Tik Tok. Annex 9 (Search Engine Search Results) also show the unique correspondence of the term "halara" with the Complainant. All the above evidences sufficiently show that through extensive use, advertisement and promotion, the trademark "halara" has achieved some reputation in the relevant market and that the public has come to recognize and associate the Complainant's trademark as originating from the Complainant and no other.

Annex 11 (the disputed domain name points to the content of the website) shows that the websites of the disputed domain names contain the trademark "halara" and the same products as the Complainant in the webpage. All the above facts are obvious to all that the Respondent is aware of the existence of the Complainant and its trademark "halara". This can be further substantiated that "halara" is not a generic word. The action of registering the disputed domain names per se has constituted bad faith.

The fact that the Respondent has registered nine disputed domain names, all containing the Complainant's trademark "halara", constitutes the type of bad faith registration and use of the disputed domain names as identified in the Policy, i.e. the Respondent 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.

Furthermore, Annex 11 (the disputed domain name points to the content of the website) shows that the websites of these disputed domain names contain the trademark "halara" and the same products as the Complainant in the webpage. This is exactly the type of bad faith use of the nine disputed domain names as identified in the Policy, i.e. the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the website or other on-line location, by creating a likelihood of confusion with the Complainant's trademark as to source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website or location.

The Panel concludes that the Respondent has registered and used the domain names in bad faith. Accordingly, the Panel finds that the Complaint satisfies the condition provided in Paragraph 4 (a) (iii) of the Policy.

## **6. Decision**



Having established all three elements required under the ICANN Policy, the Panel concludes that relief should be granted. Accordingly, it is ordered that the following 9 disputed domain names <halarasouthafrica.com/ halarauae.com/ halarauk.com/ halarasingapore.com/ halaraphilippines.com/ halaracanada.com/ halaraaustralia.com/ halaradressuk.com/ halaramalaysia.com> be transferred from the Respondent to the Complainant FULL SCALE FULL SPEED PTE. LTD.



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Yun ZHAO  
Panelist

Dated: 19 June 2023

