



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No. HK-2301762

Complainant: HangZhou Great Star Industrial Co., Ltd.

Respondent: Qiang Liu

Disputed domain name(s): <prime-line.shop>

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 Respondent is Qiang Liu, of Block H, Jinpingtian Street, Shuying City, Hainan Province, China.

The domain name at issue is <prime-line.shop>, registered by the Respondent with 1API GmbH.

2. Procedural History

On 16 June 2023, the Complainant submitted a Complaint 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 16 June 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, 1API GmbH, a request for registrar verification in connection with the disputed domain name.

On 16 June 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. The Registrar also pointed out that the language of the Registration Agreement is English.

After receiving the Registrar's confirmation, the ADNDRC Hong Kong Office invited the Complainant to revise the Complaint accordingly. On 20 June 2023, the Complainant submitted the revised Complaint in English to the ADNDRC Hong Kong Office.

On 20 June 2023, the ADNDRC notified the Complainant that the Complaint has been administratively confirmed. On 27 June 2023, the ADNDRC Hong Kong Office transmitted the Written Notice of the Complaint to the Respondent, and informed that the Complainant had filed a Complaint against the disputed domain name and the ADNDRC Hong Kong Office sent to the Respondent 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 the Registrar, IAPI GmbH, of the commencement of the proceedings.

The Respondent failed to submit a response within the specified time period. 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. Yang Anjin, the ADNDRC Hong Kong Office notified the parties on 26 July 2023 that the Panel in this case had been selected, with Mr. Yang Anjin 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 26 July 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 9 August 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 Agreement is English, thus the Panel determines English as the language of the proceedings.

3. Factual Background

A. The Complainant

The Complainant in this case is Hangzhou Great Star Industrial Co., Ltd.. The registered address is No.35 Jiu Huan Road, Shangcheng District, Hangzhou City, Zhejiang Province, China. The authorized representative in this case is Beijing Chofn Intellectual Property Agency Co., Ltd..

B. The Respondent

The Respondent in this case is Qiang Liu. The registered address is Block H, Jinpingtian Street, Shuying City, Hainan Province, China.

The Respondent is the current registrant of the disputed domain name <prime-line.shop>, which was registered on 26 May 2022 subject to auto-renew upon its expiry on 26 May 2023 according to the WHOIS information and the relevant registrar: IAPI GmbH.

4. Parties' Contentions

A. Complainant

The Complainant, HangZhou Great Star Industrial Co., Ltd., was established in 1993 specializing in the development, production and sales of medium and high-grade hand tools, power tools and other tools and hardware products. The Complainant is the largest manufacturer and supplier of hand tools in Asia, a world leader in laser measuring and intelligent control products. Since 2010, the Complainant has completed the acquisition of many brands such as Goldblatt, PONY&JORGENSEN, PT Laser, Arrow, Lista and PRIME-LINE.

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 the largest supplier of window and door replacement hardware in North America. 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. As of 2018, PRIME-LINE achieved sales revenue of USD 76 million, with over 38,000 core SKUs, 29 unique brands and 40,000 sqm of warehouse.

PRIME-LINE, as the Complainant's core brand, has been widely promoted and become well-known to the relevant public.

(1) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

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 and the Complainant's trademark. The suffix ".shop" does not have the capacity to distinguish the disputed domain name from the Complainant's prior rights, and thus it does not affect the determination of the first element in this case.

The main identifying part of the disputed domain name is "prime-line", which is completely consistent with the Complainant's trademark PRIME-LINE.

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

The Complainant searched various national and regional trademark databases in the name of the Respondent and did not find any trademark rights related with PRIME-LINE in the name of the Respondent. The Respondent is not distributor or partner of the Complainant. The Complainant has never directly or indirectly authorized the Respondent to use the trademarks PRIME-LINE or the disputed domain names in any form. The name of the Respondent is Qiang Liu, obviously it is impossible for him to enjoy the name rights for PRIME-LINE.

In summary, the Respondent does not enjoy any rights or legitimate interests in the disputed domain name.

(3) The disputed domain name has been registered and is being used in bad faith

The PRIME-LINE brand had already achieved a high level of global recognition before the disputed domain name registered on 26 May 2022. Accordingly, the Respondent should be

aware of the existence of the Complainant's PRIME-LINE mark prior to the registration of the domain name.

The disputed domain name is directed to a website, which uses PRIME-LINE trademark and promotes the same products of the Complainant. This clearly shows that the Respondent knew or should have known the Complainant's business name and trademark when registering the disputed domain name. The knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith. The Respondent uses the disputed domain name to deliberately imitate the Complainant's PRIME-LINE brand for commercial purpose. The disputed domain name has been "registered in bad faith" according to Article 4(b) of the Policy.

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

B. Respondent

The Respondent did not reply to the Complainant's contentions and made no submission in the proceedings.

5. Discussions and Findings

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 disputed domain name; and
- (iii) Respondent's domain name has been registered and is being used in bad faith.

According to paragraph 4(b) of the Policy, the following circumstances, in particular but without limitation, shall be evidence of registration and use in bad faith:

- (i) circumstances indicating that the respondent has registered or the respondent has acquired the domain names primarily for the purpose of selling, renting, or otherwise transferring the domain names 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 names; or
- (ii) the respondent has registered the domain names 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 names primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain names, 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 the respondent's website or location or of a product or service on its website or location.

Respondent in Default

The Policy and the Rules provide that “[i]f a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint.” The Panel finds that no exceptional circumstances exist. Accordingly, the Panel will decide the dispute based upon the Complaint and the evidence submitted therewith.

Trademark or Service Mark Rights of the Complainant

According to paragraph 4(a)(i) of the Policy, the Complainant should prove that it has protectable rights in the mark to which it contends the Respondent’s domain name is identical or confusingly similar. In general, the Complainant should own the protectable right prior to the registration date of the disputed domain name, namely 26 May 2022, the registration date of the disputed domain name <prime-line.shop> in this case.

The Complainant submits several trademark registration certificates issued by Chinese authorities. According to the certificates, the owner of the trademarks is PRIME-LINE PRODUCTS, LLC [首线产品有限公司], a company incorporated in United States of America. The Complainant is not the owner of the Chinese trademarks.

The Complainant submits “Proof of relationship between companies”, which indicates the Complainant and PRIME-LINE PRODUCTS, LLC are affiliation companies “through equity investment or agreement control”, and “the registration, management, authorization and maintenance of the PRIME-LINE brand domain” are the responsibilities of the Complainant.

The Panel holds that PRIME-LINE PRODUCTS LLC did not transfer or license its Chinese trademark rights to the Complainant in “Proof of relationship between companies”, which was mutually signed by both parties. According to this document, the Complainant is obliged, rather than entitled, to proceed with “the registration, management, authorization and maintenance of the PRIME-LINE brand domain”. Even if PRIME-LINE PRODUCTS LLC becomes the wholly owned subsidiary of the Complainant through acquisition (e.g. “through equity investment or agreement control”), the Complainant does not directly acquire the aforementioned Chinese trademark rights.

Furthermore, even if “Proof of relationship between companies” can be interpreted as transfer or license any trademark rights from PRIME-LINE PRODUCTS LLC to the Complainant, given it was signed on 20 March 2023, the Complainant acquired the relevant rights later than the date of registration of the disputed domain name.

The Panel therefore finds that the Complaint fails to satisfy the condition provided in Paragraph 4(a)(i) of the Policy. Since the Complainant needs to establish all three elements required under the Policy, it follows that the Complainant’s request cannot be supported in this case. Subsequently, it is unnecessary to discuss other conditions under paragraph 4(a) of the Policy.

6. Decision

Based on the above analysis, the Panel decides that the Complainant HangZhou Great Star Industrial Co., Ltd. is denied.

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Yang Anjin
Sole Panelist

Dated: 9 August 2023