



Asian Domain Name Dispute Resolution Centre

hong kong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

---

<b>Case No.</b>	<b>HK-2201684</b>
<b>Complainant:</b>	<b>Shenzhen Relx Technology Co., Ltd</b>
<b>Respondent:</b>	<b>Soon Keat Teng / EMMA ZO DIGITAL MARKETING</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;relx-australia.com&gt;</b>

---

**1. The Parties and Contested Domain Name**

The Complainant is Shenzhen Relx Technology Co., Ltd, of Rm B-208, BLD A, 2F, Vanke Yunchang, Bodun Tech. Park, Chaguang Rd, Xili Subdistrict, Nanshan Dist., Shenzhen, Guangdong 518055, China.

The Respondent is Soon Keat Teng / EMMA ZO DIGITAL MARKETING, of 58 Bungaree Road, Wilson, Western Australia 6107, Australia.

The domain name at issue is <relx-australia.com>, registered by Respondent with GoDaddy.com, LLC, of 2155 E GoDaddy Way, Tempe AZ 85284, United States.

**2. Procedural History**

On November 1, 2022, pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”) and the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”), the Complainant submitted a Complaint to the Hong Kong Office (“HK Office”) of the ADNDRC (“ADNDRC”). On the same day, the HK Office sent to the Complainant by email an acknowledgment of the receipt of the Complaint and reviewed the format of the Complaint for compliance with the Policy, the Rules and the HK Office Supplemental Rules. The HK Office also notified the Registrar of the Complaint by email. On the same day, the Registrar replied to the HK Office informing the HK Office of the identity of the domain name Registrant.

On November 2, 2022, the HK Office informed the Complainant that the information of the Respondent in the Complaint was different from the WHOIS information provided by the Registrar. On November 3, 2022, the Complainant submitted an amended Complaint to the HK Office. On the same day, the HK Office confirmed receipt and forwarded the amended Complaint to the Respondent, commencing the proceedings. The due date of the Response was November 23, 2022. The Respondent did not file a Response and on November 24, 2022, the HK Office informed the Respondent of his default. On the same day, the HK Office appointed Francine Tan as the sole panelist in this matter.

### 3. Factual background

The Complainant, Shenzhen Relx Technology Co., Ltd, states that it is a leading e-vapor company based in Shenzhen, China. The Complainant's primary operations include the research, development, manufacturing and distribution of its RELX 悦刻 brand of e-vapor products. The Complainant sells its e-vapor products to adult smokers through an integrated offline distribution and "branded store plus" retail model which is tailored to China's consumer e-vapor market.

The Complainant is the owner of the following trademark registrations:

- Australia Trade Mark Registration No. 1954762 for “”, registered on September 12, 2018;
- U.S. Trade Mark Registration No. 5818187 for “”, registered on July 30, 2019;
- China Trade Mark Registration No. 28527765 for “”, registered on December 7, 2018; and
- European Union Trade Mark Registration No. 017652439 for “”, registered on May 18, 2018.

The Complainant is the owner of its primary domain name <relxtech.com>, which was registered on November 27, 2017. The Complainant's authorized partner in Australia operates the website at the domain name <relxaustralia.com>, which was registered on November 27, 2017.

The Complainant states that its first use in commerce of the RELX trade mark began in July 2018.

The disputed domain name was registered on December 23, 2020, and resolves to a website which uses the Complainant's  logo.

### 4. Parties' Contentions

#### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly to the Complainant's RELX trade mark in which it has rights. The addition of a hyphen and geographical term "Australia" in the disputed domain name does not negate the confusing similarity with the Complainant's RELX trade mark. Further, the addition of the geographical term "Australia" makes the disputed domain name confusingly similar to the Complainant's domain name <relxaustralia.com>.

- ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant never permitted, authorized or licensed the Respondent to use its RELX trade mark in any manner or to register the disputed domain name. The Respondent is not sponsored by or affiliated with the Complainant and is not making a *bona fide* offering of goods or services or legitimate, noncommercial fair use of the disputed domain name. The Respondent has no trademark rights in RELX but is imitating the Complainant. The Respondent is using the disputed domain name to offer potentially counterfeit products bearing the Complainant's trade mark for sale, and also failed to accurately its relationship with the Complainant but has claimed to be "RELX" in the Terms of Service page.
- iii. The Respondent registered and is using the disputed domain name in bad faith. The website to which the disputed domain name resolves ("the Respondent's website") passes off as the Complainant by using the Complainant's RELX mark to pass off as the Complainant, which attempts to mislead consumers that the goods they are buying are genuine products sold by the Complainant, to reap illicit benefits. The RELX trade mark is well known and exclusively associated with the Complainant. The Respondent is using the disputed domain name to attract and confuse Internet users into believing that it is affiliated with the Complainant when he is not. The Respondent's use of the disputed domain name for fraudulent purposes is evidence that the Respondent has actual knowledge of the Complainant and its RELX trade mark.

B. Respondent

The Respondent did not file a Response to the Complaint.

## 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

The Complainant has provided evidence of its trademark registrations for the **RELX** trade mark. Although the trade mark **RELX** features font stylization, it is well-established in earlier UDRP Panel decisions that "these [stylized] elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element [of the Policy. ... On this basis, trademark registrations with design elements would prima facie satisfy the requirement that the complainant show 'rights in a mark' for further assessment as to confusing similarity". (See section 1.10 of the *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition* ["WIPO Overview 3.0"].)

The Complainant's RELX mark is reproduced entirely in the disputed domain name with the addition of a hyphen and geographical term, "Australia". It is well-established that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant's RELX mark in which it has rights. The inclusion of the generic Top-Level Domain ("gTLD") ".com", does not remove the confusing similarity with the Complainant's RELX trade mark as the gTLD is merely a technical requirement for domain name registrations.

The first element of paragraph 4(a) of the Policy has been satisfied.

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

The Panel finds that the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. The Respondent was not authorized to use the Complainant's RELX/ trade mark or to register a domain incorporating the trade mark. There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent does not appear to use the disputed domain name for a legitimate noncommercial or fair use, without intent for commercial gain.

Once a complainant has established a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect of the disputed domain name. (See *WIPO Overview 3.0*, section 2.1.) The Respondent did not submit a Response to the Complaint, nor has it provided any explanation or evidence to show it has rights or legitimate interests in the disputed domain name. The Respondent has therefore failed to rebut the Complainant's *prima facie* case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The second element of paragraph 4(a) of the Policy has been satisfied.

## **C) Bad Faith**

A complainant has the burden of proving that the respondent registered and is using the disputed domain name in bad faith. Paragraph 4(a)(iii) of the Policy states that:

“[T]he 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 [the respondent 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

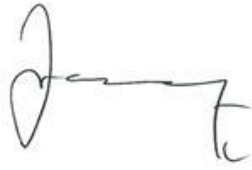
- (ii) [the respondent has] registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that [the respondent has] engaged in a pattern of such conduct; or
- (iii) [the respondent has] registered the domain 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 [its] 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 [the respondent's] web site or location or of a product or service on [the respondent's] web site or location.”

The Complainant's RELX trade mark was registered in Australia, China and the European Union since 2018 and its first use of commerce of its trade mark was in July 2018. The Complainant has also operated its domain names <relxtech.com> and <relxtechaustralia.com> (the latter through its authorized partner in Australia) since 2017. Given the notoriety of the Complainant's RELX trade mark, the appearance of the Respondent's website, and how the disputed domain name is being used by the Respondent, it is evident that the Respondent was well aware of and specifically targeted the Complainant and its RELX trade mark. The Respondent is not an authorized reseller of the Complainant. The Respondent's attempt to pass off itself as the official Australian website of the Complainant, and to ride off the reputation and goodwill of the Complainant have not been disputed by the Respondent. Further, the disputed domain name is confusingly similar to the Complainant's RELX trade mark, which the Panel finds demonstrates a blatant attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting to find the Complainant at the website to which the disputed domain name resolves. The Panel agrees that the circumstances constitute evidence of bad faith under paragraph 4(b)(iv) of the Policy.

The third element of paragraph 4(a) of the Policy has been satisfied.

## **6. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <relx-australia.com> be transferred to the Complainant.



---

Francine Tan  
Panelist

Dated: December 6, 2022