



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301725
Complainant:	Tineco Intelligent Technology Co., Ltd
Respondent:	Omkar J / TINCO LIMITED
Disputed Domain Name(s):	<onepureclean.com>

1. The Parties and Contested Domain Name

The Complainant is Tineco Intelligent Technology Co., Ltd., of No. 108, Shihu West Road, Wuzhong District Suzhou City, Jiangsu, 215168, China, represented by Beijing Chofn Intellectual Property Agency Co., Ltd. of 1218 12th Floor, No.68 West Road of North Fourth Ring, Haidian, Beijing 100081, China.

The Respondent is Omkar J / TINCO LIMITED, of 1 Roughwood Lane Barn, Roughwood Lane, England, London, United Kingdom.

The domain name at issue is <onepureclean.com> (“Disputed Domain Name”), registered by the Respondent with Hostinger, UAB (“Registrar”), of Jonavos g. 60C, Hostinger, UAB, Kaunas, Lithuania, 44192.

2. Procedural History

On March 8, 2023, the Complaint was filed with the Hong Kong office of the Asia Domain Name Dispute Resolution Centre (“Centre”) in accordance with the Uniform Domain Name Dispute Resolution Policy (the “Policy”) approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on October 24, 1999. On March 9, 2023, the Centre transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On March 10, 2023, the Registrar transmitted an email to the Centre its verification response disclosing WHOIS information for the Disputed Domain Name which differed from the information of the Respondent stated in the Complaint. On March 13, 2023, the Centre transmitted an email to the Complainant, providing the WHOIS information disclosed by the Registrar, and invited the Complainant to update the information of the Respondent in the Complaint and submit an amendment to the Complaint. On March 15, 2023, the Complainant submitted an amended Complaint to the Centre. On March 17, 2023, the Centre transmitted an email to the Complainant inviting them to further amend the Complaint to include both the name and organization of the Respondent. On March 17, 2023, the Complainant submitted a further amended Complaint accordingly. On March 20, 2023, the Centre transmitted an email to the

Complainant confirming that the Complaint is in administrative compliance with the Policy and the Rules for ICANN Uniform Domain Name Dispute Resolution Policy (“Rules”).

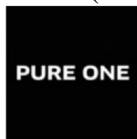
In accordance with paragraphs 2(a) and 4(a) of the Rules, the Centre formally notified the Respondent of the Complaint, and the proceedings commenced on March 20, 2023. The Respondent was informed that the due date for Response was April 9, 2023. No Response was filed by the Respondent. Accordingly, the Centre notified the parties of the Respondent’s default on April 10, 2023.

The Centre appointed Gabriela Kennedy as the sole panelist in this matter on April 11, 2023. The Panel finds that it was properly constituted.

3. Factual Background

The Complainant is an innovative technology company founded in 1998 specializing in intelligent technology for smart electrical appliances. The Complainant claims that it has an international sales network and introduced the world’s first smart cordless vacuum cleaner, “PURE ONE” in 2019.

The Complainant is the owner of several trade mark registrations for the PURE ONE trade mark (the “Complainant’s Trademark”) in various jurisdictions, including, *inter alia*,



trade mark (Reg. No. 1471986) registered under the Madrid System of the World Intellectual Property Organization that on May 10, 2019, **PURE ONE** trade mark (Reg. No. 018014637) registered in the European Union on May 22, 2019, **PURE ONE** trade mark (Reg. No. TM2019001975) registered in Malaysia on January 18, 2019, and PURE ONE trade mark (Reg. No. 6,350,149) registered in the United States of America on May 11, 2021.

The Disputed Domain Name was created on January 31, 2023. The Complainant claims that its use of the Complainant’s Trademark predates the application for the Disputed Domain Name by the Respondent. The Disputed Domain Name currently resolves to an inactive website. The Complainant provided snapshots of the website to which the Disputed Domain Name resolved (the “Website”), which reproduced the Complainant’s Trademark, name, promotional materials of its PURE ONE product, and offered the PURE ONE products for sale online.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The Disputed Domain Name is confusingly similar to the Complainant’s Trademark. The Complainant submitted that the word “clean” should be disregarded as it does not serve to distinguish the goods in question, namely

vacuum cleaners. Although the remaining elements of the second level part of the Disputed Domain Name (i.e. “one” and “pure”) are in reverse order as the Complainant’s Trademark (i.e. “PURE ONE”), the Complainant claims that the Disputed Domain Name is likely to cause confusion with the Complainant’s Trademark, as search engine algorithms present the same search results regardless of the order of the search terms.

- ii. The Respondent does not have the right to use the Complainant’s Trademark as “PUREONE” or in reverse. Further, the Complainant has never authorized or given permission to the Respondent, who is not affiliated with the Complainant in any way, to use the Complainant’s Trademark. Therefore, the Respondent has no rights or legitimate interest in the Disputed Domain Name; and
- iii. The Complainant’s worldwide reputation, and the fact that the Website misappropriated content from the Complainant’s website, indicate that Respondent was or should have been aware of the Complainant’s Trademark prior to registering the Disputed Domain Name. Furthermore, the Respondent had registered the Disputed Domain Name primarily for the purpose of disrupting the Complainant’s business and to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant’s Trademark, as the Website was used by the Respondent to carry out business similar to the Complainant’s business. Therefore, the Respondent is acting in bad faith.

B. Respondent

The Respondent did not reply to the 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

The Panel accepts that the Complainant has rights in the Complainant’s Trademark, based on the trademark registrations listed above in Section 3.

The Disputed Domain Name incorporates both words in the Complainant’s Trademark, albeit in reverse order. The Panel does not consider that the reversal of the words “one” and “pure” is sufficient to prevent a finding of confusing similarity (see *Boehringer Ingelheim Pharma GmbH & Co. KG v. Klinik Sari Padma, BAKTI HUSADA*, WIPO Case No. D2014-0306 and *Miguel Torres S.A. v. Shilin Li*, WIPO Case No. D2021-1364). The Panel agrees with the Complainant that the word “clean” in the Disputed Domain Name does not sufficiently distinguish the Disputed Domain Name from the Complainant’s

Trademark, as the word is descriptive of the Complainant's business and its PURE ONE product. Further, it is well established that the generic Top-Level Domain ("gTLD"), ".com" in this case, may be disregarded. See section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0").

The Panel therefore takes the view that the Disputed Domain Name is confusingly similar to the Complainant's Trademark, and accordingly, paragraph 4(a)(i) of the Policy is satisfied.

B) Rights and Legitimate Interests

Once a complainant establishes a prima facie case in respect of the lack of rights or legitimate interests of a respondent in a disputed domain name, the respondent then carries the burden of demonstrating that it has rights or legitimate interests in the disputed domain name. Where the respondent fails to do so, a complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See section 2.1 of the WIPO Overview 3.0.

The Panel accepts that the Complainant has not authorized the Respondent to use the Complainant's Trademark. There is no relationship between the Complainant and the Respondent which would otherwise entitle the Respondent to use the Complainant's Trademark. Accordingly, the Panel is of the view that a prima facie case has been established by the Complainant and it is for the Respondent to show rights or legitimate interests in the Disputed Domain Name.

The Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. D2009-1437; and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. D2000-0403).

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the Disputed Domain Name by demonstrating any of the following:

- (i) Before any notice to him of the dispute, the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or
- (ii) The Respondent has been commonly known by the Disputed Domain Name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) The Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel agrees with the Complainant that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name.

There is no evidence to suggest that the Respondent's use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name, is in connection with a bona fide offering of goods or services. The goods offered on the Website are unauthorized by the Complainant and seek to take unfair advantage of the Complainant's Trademark and reputation (see *Prada S.A. v. Chen Mingjie*, WIPO Case No. D2015-1466; *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. D2016-1747). Even if the goods were genuine PURE ONE products, the website does not display any disclaimer of a lack of relationship between the Complainant and the Respondent. On the contrary, a quick Internet search conducted by the Panel shows that the Website had reproduced most of the content and layout on the Complainant's webpage for the PURE ONE product.

The Panel therefore concludes that it would be unclear to Internet users visiting the Website that it was not operated by the Complainant. Accordingly, the Panel agrees with the Complainant that the Respondent's use of the Disputed Domain Name cannot constitute a *bona fide* offering of goods and services, or be regarded as legitimate non-commercial or fair use. In particular, the Respondent would likely not have registered a domain name including both words in the Complainant's Trademark, if not for the purpose of creating an impression that the Website and the goods offered on the Website are associated with the Complainant, or otherwise taking advantage of the goodwill and reputation in the Complainant's Trademark.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name and the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C) Bad Faith

The Panel agrees with the Complainant that the following factors support a finding that the Disputed Domain Name was registered and has been used by the Respondent in bad faith:

- (i) The Respondent registered and has been using the Disputed Domain Name to mislead and divert Internet users to the Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, the Complainant's sponsorship, affiliation, or endorsement of the Website. See paragraph 4(b)(iv) of the Policy and section 3.1 of the WIPO Overview 3.0.
- (ii) The Website reproduced the Complainant's Trademark and the content and layout on the Complainant's webpage for the PURE ONE product, and had been used to sell unauthorized and possibly counterfeit PURE ONE products. Such impersonation of the Complainant is sufficient to establish the Respondent's bad faith (see section 3.1.4 of the WIPO Overview 3.0).
- (iii) The Respondent failed to respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

In the circumstances, the Panel finds that the Respondent registered and has been using the Disputed Domain Name in bad faith, and paragraph 4(a)(iii) 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, <onepureclean.com> be transferred to the Complainant.



Gabriela Kennedy
Panelist

Dated: 24 April 2023