



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301731
Complainant:	Shenzhen Baseus Technology Co. Ltd.
Respondent:	Telecare Network Private Limited/ IT INFO
Disputed Domain Name(s):	<baseusworld.com>

1. The Parties and Contested Domain Name

The Complainant is Shenzhen Baseus Technology Co. Ltd. of 2/F, Building B, Beisi Intelligence Park, NO. 2008, Xuegang Road, Gangtou Community, Bantian Street, Longgang District, Shenzhen.

The Respondent is Telecare Network Private Limited/ IT INFO of 2A, sector-126, Noida.

The domain name at issue is <baseusworld.com>, registered by Respondent with GoDaddy.com, LLC.

2. Procedural History

- i. On 27 March 2023, the Complainant's authorized representative Beijing Chofn Intellectual Property Agency Co., Ltd., submitted the Complaint together with the accompanying Annexures to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (Centre) via emails pursuant to the Uniform Policy for Domain Name Dispute Resolution, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October 1999 (the Policy), the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN Board of Directors on 28 September 2013 (the Rules) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy effective from 31 July 2015 (the Supplemental Rules).
- ii. On 27 March 2023, the Centre notified the Registrar, GoDaddy.com, LLC, of the disputed domain via email and requested verification and information on the domain name. The Centre also confirmed receipt of the Complaint and requested that the case filing fee be settled.
- iii. On 28 March 2023, the Registrar responded with the following verification and information: -

- a) the Disputed Domain Name <baseusworld.com> is registered with the Registrar;
 - b) the identity of the registrant or holder of the Disputed Domain Name is Telecare Network Private Limited/ IT INFO;
 - c) ICANN's Uniform Domain Name Dispute Resolution Policy is applicable to the Complaint;
 - d) the language of the registration agreement for the Disputed Domain Name is English;
 - e) the Disputed Domain Name's expiration date is 16 May 2023;
 - f) the Disputed Domain Name will remain locked during the proceedings; and
 - g) WHOIS information on the Disputed Domain Name.
- iv. On 28 March 2023, the Centre notified the Complainant's authorized representative of a deficiency in the Complaint where the information of the Respondent in the Complaint is different from the WHOIS information provided by the Registrar and requested that the deficiency be rectified within 5 calendar days.
 - v. On 3 April 2023, the Complainant's authorized representative sent the amended complaint form to the Centre. On the same day, the Centre confirmed that the Complaint is in compliance with the Uniform Domain Name Dispute Resolution Policy and its Rules, and informed the Complainant that the Complaint will be forwarded to the Respondent and that proceedings will be formally commenced in accordance with the Uniform Domain Name Dispute Resolution Policy and its Rules.
 - vi. On 11 April 2023, a copy of the transaction slip was sent by the Complainant's authorized representative to the Centre and the Centre confirmed receipt of the transaction slip on the same day. The Centre confirmed receipt of the case filing fee on 12 April 2023.
 - vii. On 11 April 2023, the Centre transmitted to the Respondent the Written Notice of Complaint via email and notified the Respondent that it is required to participate in mandatory administrative proceedings and that the Respondent may submit a Response on or before 1 May 2023.
 - viii. On 2 May 2023, the Centre sent confirmation that it did not receive a Response from the Respondent and, in accordance with the Complainant's request for the case to be decided by a single-member Panel, contacted Michael Soo Chow Ming.
 - ix. On 3 May 2023, Michael Soo Chow Ming confirmed his availability and ability to act independently and impartially vis-à-vis the parties, and he was appointed as panelist on the same day.

3. Factual background

A. Complainant

“**Baseus**” is a brand specializing in 3C digital accessories, which was founded in 2011. The brand covers the process from research and development, design, production, and sales. The Complainant in this case, Shenzhen Baseus Technology Co. Ltd., was established in 2019, and is responsible for the production, sales, and operations of the “**Baseus**” brand. Shenzhen Times Innovation Technology Co., Ltd. has directly or indirectly formed an affiliated company relationship with the Complainant through equity investment or agreement control.

The Complainant is also the proprietor of the following trademark / service mark registrations: -

Registration No	Mark	Country / Territory	Class	Reg Date
1109755	BASEUS	WIPO	9	08.11.2011
1340530	Baseus	WIPO	9	14.11.2016
1893827	Baseus	Australia	35	12.12.2017
UK00003287828	Baseus	The United Kingdom	9 & 35	05.02.2018
UK00003557302	Baseus	The United Kingdom	7, 11 & 12	18.11.2020
14897443	Baseus	China	35	14.09.2015
15296002	Baseus	China	9	21.12.2015
24939830	Baseus	China	7	21.06.2018
018062510	Baseus	European Union	7	25.10.2019
017656001	Baseus	European Union	9 & 35	07.06.2018

B. **Respondent**

The Respondent did not file a Response within the prescribed time period.

4. **Parties' Contentions**

A. **Complainant**

The Complainant's contentions can be summarized as follows:

- i. The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.
 - a) "**Baseus**" is a digital accessory brand that offers practical and aesthetically pleasing products for users. Its name originated from the concept of "**base on user**" and its products have been used by over 300 million people in more than 100 countries since its inception.
 - b) Between 2012 and 2018, "**Baseus**" experienced significant growth, including opening flagship shops on e-commerce platforms and extending product coverage globally. It maintains leading sales on prominent platforms such as Tmall and Jingdong, establishing its position as an industry leader. In 2019, Baseus released the world's first multi-interface gallium nitride fast charger and have since pioneered the multi-port gallium nitride fast charger. In 2021, "**Baseus**" brand received many awards.
 - c) The Complainant contends that "**Baseus**" is the world's leading brand in Gallium Nitride fast charger sales, with 90 million units sold worldwide in 2021. The Complainant had filed a total of 1,405 patent applications,

including 41 inventions, 511 utility models, and 853 design patents as of 1 April 2022.

- d) The Complainant contends that the “**Baseus**” brand is highly recognizable worldwide, and the Complainant enjoys prior rights over the trademark / service mark. The Complainant has owned “**Baseus**” trademarks / service marks in many countries and territories that have been registered since 2011.
 - e) The Complainant contends that the “.com” in the Disputed Domain Name “**baseusworld.com**” is a generic domain name symbol and should be ignored in determining confusing similarity with the Complainant’s “**Baseus**” trademark / service mark. The remaining part of the domain name, “**baseusworld**” is a combination of the generic word “**world**” and the Complainant’s “**Baseus**” trademark / service mark, but the generic word “**world**” should not be used for textual comparison with the Complainant’s mark.
 - f) Under the UDRP Policy, the character composition of the Disputed Domain Name should be compared with that of the Complainant’s mark to determine whether it is identical or confusingly similar. As the Disputed Domain Name “**baseusworld.com**” includes the main identifying part of “**Baseus**”, which is the same as the Complainant’s registered trademark / service mark, it is likely to cause confusion.
- ii. The respondent has no rights or legitimate interests in respect of the Disputed Domain Name.
- a) The Complainant contends that the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the owner of the trademark / service mark and does not constitute fair use.
 - b) The Complainant conducted searches of various national and regional trademark databases in the name of the Respondent and found no evidence that the Respondent has any trademark rights in “**Baseus**”.
 - c) The Complainant has confirmed that the Respondent is not a distributor or partner of the Complainant. The Complainant has never given any authorization, direct or indirect, to the Respondent to use the “**Baseus**” trademark / service mark or the corresponding domain names in any form.
 - d) The Respondent’s name is “**Telecare Network Private Limited/IT INFO**”, and it is clear that the Respondent has no rights to the name of “**Baseus**”. Therefore, the Respondent lacks any legitimate interest or rights to the Disputed Domain Name.
- iii. The Disputed Domain Name has been registered and is being used in bad faith.
- a) The Complainant asserts that the Disputed Domain Name was registered in bad faith after the Complainant’s “**Baseus**” brand had gained substantial global recognition, and that it is highly likely that the Respondent was aware of the Complainant’s “**Baseus**” trademark / service mark at the time of

registration of the Disputed Domain Name on 16 May 2019. The Complainant argues that the Respondent's location should not affect the Panelist's determination of awareness of the Complainant's "**Baseus**" trademark / service mark.

- b) The Complainant claims that its "**Baseus**" trademark / service mark is highly distinctive and well-known, there is almost no chance that the Disputed Domain Name will be coupled with it. The Complainant found that the content of the website to which the Disputed Domain Name pointed overlapped with the project operated by the Complainant and included the Complainant's "**Baseus**" trademark / service mark. The Complainant believes this indicates that the Respondent knew or should have known about the Complainant's business name and trademark / service mark when registering the Disputed Domain Name.
- c) The Complainant believes that the Respondent's act of applying for the Disputed Domain Name was malicious, and the Respondent's knowledge of the Complainant's "**Baseus**" trademark / service mark is evidence of bad faith registration.
- d) The Respondent's use of the Disputed Domain Name to deliberately imitate the Complainant's "**Baseus**" brand for profit is consistent with Paragraph 4(b)(iv) of the Policy. This is where the Respondent used the Disputed Domain Name intentionally to attract Internet users to its website or online location by creating a likelihood of confusion with the Complainant's "**Baseus**" trademark / service mark as to the source, sponsorship, affiliation, or endorsement of a product or service.
- e) The Complainant contends that the Respondent's registration of the Disputed Domain Name constitutes bad faith registration and use under the Policy.

Based on the above, the Complainant requests the Disputed Domain Name <**baseusworld.com**> be transferred to the Complainant.

B. Respondent

The Respondent did not file a Response within the prescribed 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.

Given that the Respondent failed to file a Response within the prescribed time, the Panel will consider and render a decision based on the information and materials submitted by the Complainant only.

A) Identical / Confusingly Similar

- i. The Complainant has provided evidence of owning “**Baseus**” trademark / service mark registered in several countries and territories since 2011, establishing prior rights over the “**Baseus**” trademark / service mark. The Disputed Domain Name, <**baseusworld.com**>, incorporates the entirety of the Complainant’s trademark / service mark.
- ii. Paragraph 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“**WIPO Jurisprudential Overview 3.0**”) states that a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.
- iii. **EAuto, L.L.C. v Triple S. Auto Parts d/b/a Kung Fu Yea Enterprises, Inc.**; WIPO Case No. D2000-0047 also established that a domain name incorporating a distinctive mark in its entirety creates sufficient similarity between the mark and the domain name, rendering it confusingly similar.
- iv. The Complainant has also presented sufficient evidence to prove the widespread recognition of the “**Baseus**” brand worldwide, indicating that the Complainant’s “**Baseus**” trademark / service mark is well-known. Thus, the inclusion of the Complainant’s well-known “**Baseus**” trademark / service mark in the Disputed Domain Name is enough to find the Disputed Domain Name confusingly similar to the Complainant’s trademark / service mark. This principle was decided in **Ansell Healthcare Products Inc. v Australian Therapeutics Supplies Pty, Ltd.**; WIPO Case No. D2001-0110: -

“The incorporation of a Complainant’s well-known trademark in the registered domain name is considered sufficient to find the domain name confusingly similar to the Complainant’s trademark: see Quixtar Investments, Inc. v. Smithberger and QUIXTAR-IBO, Case No. D2000-0138 (WIPO, April 19, 2000) (finding that because the domain name <quixter-sign-up.com> incorporates in its entirety the Complainant’s distinctive mark, QUIXTER, the domain name is confusingly similar); Hewlett-Packard Company v. Posch Software, Case No. FA95322 (Nat. Arb. Forum, Sept. 12, 2000).

[emphasis added]

- v. The panel agrees with the Complainant’s assertion that the “.com” in the Disputed Domain Name “**baseusworld.com**” is a generic domain name symbol and should not be considered in determining confusing similarity with the Complainant’s “**Baseus**” trademark / service mark. It is well-established in domain name cases that the inclusion of gTLD and ccTLD is immaterial in deciding whether the domain name in dispute is identical or confusingly similar to a Complainant’s trademark, as decided in

Volkswagen Group Singapore Pte Ltd v **Webmotion Design**; Case No.: rca/dndr/2003/01 (int) and **Rollerblade, Inc.** v **Chris McCrady**; WIPO Case No. D2000-0429 decisions.

- vi. Further, it was decided that the addition of generic words would not stop confusion from being caused by the use of a trademark in **Fondation Le Corbusier** v **Monsieur Bernard Weber, Madame Heidi Weber**; WIPO Case No. D2003-0251: -

*“Each disputed domain name includes the trademark LE CORBUSIER with the addition of a generic word: art, museum, fondation, foundation, centre or center. **The combinations obtained are generic and do not stop the confusion caused by the use of the trademark LE CORBUSIER**: The Body Shop International PLC. v. CPIC Net and Syed Hussain, WIPO Case No. D2000-1214; Space Imaging, eResolution Case No. AF0298. The words foundation and museum were found to be descriptive in Indivision Picasso v. Manuel Mu iz Fernandez [Hereisall], WIPO Case No. D2002-0496 as was the word center in Nintendo of America Inc. v. Berric Lipson, WIPO Case No. D2000-1121.”*

[emphasis added]

- vii. This principle can also be found in **Oki Data Americas, Inc.** v **ASD, Inc.**; WIPO Case No. D2001-0903: -

*“As numerous prior panels have held, the fact that a domain name wholly incorporates a complainant’s registered mark is sufficient to establish identity or confusing similarity for purposes of the Policy **despite the addition of other words to such marks.**”*

[emphasis added]

- viii. The panel finds that the word “**world**” in the remaining part of the Disputed Domain Name “**baseusworld**” is generic and lacks significant distinguishing value to dispel any likelihood of confusion with the Complainant’s “**Baseus**” trademark / service mark. “**Baseus**” is the most prominent and distinctive element of the Disputed Domain Name, immediately recognizable and contributing to the confusion.
- ix. Therefore, the Panel concludes that the Disputed Domain Name is identical / confusingly similar to the Complainant’s “**Baseus**” trademark / service mark and that the Complainant has satisfied the first element in paragraph 4(a) of the Policy.

B) Rights and Legitimate Interests

- i. After reviewing the presented facts, the Panel finds that the Complainant has established a *prima facie* case in showing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.
- ii. The Complainant has confirmed that the Respondent has no relationship with the Complainant as a distributor or partner. There is no evidence that the Complainant has given any authorization, direct or indirect, for the Respondent to use the “**Baseus**” trademark / service mark or the corresponding domain names in any form.

Additionally, there is no indication of any trademark registrations in the name of the Respondent.

- iii. The Respondent's name is "**Teleecare Network Private Limited/IT INFO**", and it is therefore impossible for the Respondent to enjoy relevant name rights for "**Baseus**" and "**Baseusworld**". There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or that the Respondent has used the Disputed Domain Name for legitimate non-commercial or fair use without intent for commercial gain.
- iv. Regardless of whether the products featured at the Disputed Domain Name are genuine or counterfeit, the website does not disclose the Respondent's lack of relationship with the Complainant. On the contrary, the website suggests that it is affiliated with, endorsed by, or sponsored by the Complainant.
- v. In **Oki Data Americas, Inc. v ASD, Inc.**; WIPO Case No. D2001-0903, it was found as follows: -

*"The site must accurately disclose the registrant's relationship with the trademark owner; **it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents.** E.g., *Houghton Mifflin Co. v. Weatherman, Inc.*, WIPO Case No. D2001-0211 (WIPO April 25, 2001) (no bona fide offering where website's use of Complainant's logo, and lack of any disclaimer, suggested that website was the official Curious George website); *R.T. Quaipe Engineering v. Luton*, WIPO Case No. D2000-1201 (WIPO Nov. 14, 2000) (**no bona fide offering because domain name <quaipeusa.com> improperly suggested that the reflected site was the official U.S. website for Quaipe, an English company;** moreover, respondent's deceptive communications with inquiring consumers supported a finding of no legitimate interest); *Easy Heat, Inc. v. Shelter Prods.*, WIPO Case No. D2001-0344 (WIPO June 14, 2001) (no bona fide use when respondent suggested that it was the manufacturer of complainant's products)."*

[emphasis added]

- vi. In any event, the Respondent did not submit a response to the Centre and, therefore, failed to adduce evidence to prove any right or legitimate interest in the Disputed Domain Name. Paragraph 2.1 of the WIPO Jurisprudential Overview 3.0 states that where a complainant makes a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.
- vii. In other words, the absence of rights or legitimate interests is established if a complainant makes a prima facie case, and the respondent enters no response (**De Agostini S.p.A. v Marco Cialone**; WIPO Case No. DTV2002-0005).
- viii. Based on the above, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

C) Bad Faith

- i. To establish bad faith under the Policy, the Complainant must demonstrate that the Disputed Domain Name was registered and is being used in bad faith. Paragraph 4(b) of the Policy provides: -

“For the purposes of Paragraph 4(a)(iii), the 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 Registrant has registered or 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 Registrant’s documented out-of-pocket costs directly related to the Domain Name; or*
- (ii) the Registrant 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 Registrant has engaged in a pattern of such conduct; or*
- (iii) the Registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or*
- (iv) by using the Domain Name, the Registrant has intentionally attempted to attract, for commercial gain, Internet users to the Registrant’s 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 Registrant’s web site or location or of a product or service on the Registrant’s web site or location.”*

[emphasis added]

- ii. The Panel finds that the Respondent registered and / or has used the Disputed Domain Name in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.
- iii. The Complainant has provided evidence showing that the Complainant’s “**Baseus**” trademark / service mark has gained substantial global recognition, is highly distinctive and well-known. The mark is used to identify the Complainant’s products and services, and all internet search results generated by the term “**Baseus**” lead to the Complainant and its products.
- iv. In eBay Inc. v Renbu Bai; WIPO Case No. D2014-1693, it was found that: -

*“Prior panels have found that knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith. See *Caesars World, Inc. v. Forum LLC*, WIPO Case No. D2005-0517 (“[T]he 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."); see also The Gap, Inc. v. Deng Youqian, WIPO Case No. D2009-0113 ("[T]he Panel concurs with previous WIPO UDRP decisions holding **that registration of a well-known trademark as a domain name is a clear indication of bad faith in itself, even without considering other elements**")."*

[emphasis added]

- v. Similarly, in **Swarovski Aktiengesellschaft v WhoisGuard Protected / Peter D. Person**; WIPO Case No. D2014-1447, it was found that: -

"Given the circumstances of the case, in particular the extent of use of the Complainant's trademark, the reputation and the distinctive nature of the mark, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and the Complainant's mark. Further, the Panel finds that the Respondent could not have been unaware of the fact that the disputed domain name it chose could attract Internet users in a manner that is likely to create confusion for such users.

*The Panel therefore finds that the disputed domain name was **registered in bad faith**."*

[emphasis added]

- vi. The website to which the Disputed Domain Name pointed contained content that overlapped with the project operated by the Complainant and included the Complainant's "**Baseus**" trademark / service mark. The Respondent failed to refute the Complainant's claim that the Respondent was aware of the Complainant's business name and trademark / service mark when registering the Disputed Domain Name on 16 May 2019.
- vii. In **Maori Television Service v Damien Sampat**; WIPO Case No. D2005-0524, it was found that: -

*"A finding of bad faith may be made whether **the Respondent knew or should have known of the registration and use of the trade mark prior to registering the domain**."*

[emphasis added]

- viii. It is reasonable to conclude that the Respondent was aware of the well-known "**Baseus**" trademark / service mark when registering the Disputed Domain Name. Therefore, the Panel concludes that the Respondent intended to exploit the Complainant's goodwill and trademark / service mark for illegitimate interests by incorporating "**Baseus**" as part of the Disputed Domain Name.
- ix. In **Alstom v Yulei**; WIPO Case No. D2007-0424, it was held that: -

“Therefore, the Panel finds that it is not conceivable that the Respondent would not have had actual notice of the Complainant’s trademark rights at the time of the registration of the domain name. Consequently, in the absence of contrary evidence from the Respondent, the Panel finds that the ALSTOM trademarks are not those that traders could legitimately adopt other than for the purpose of creating an impression of an association with the Complainant.”

[emphasis added]

- x. The Respondent also failed to refute the Complainant’s claim that the Respondent intentionally used the Disputed Domain Name to attract Internet users to its website or online location by creating confusion with the Complainant’s “**Baseus**” trademark / service mark regarding the source, sponsorship, affiliation, or endorsement of a product or service. Therefore, the Panel finds that the Respondent is using the Disputed Domain Name in bad faith to falsely suggest an affiliation with the Complainant and its “**Baseus**” trademark / service mark, intentionally causing confusion among Internet users, within the meaning of Paragraph 4(b)(iv) of the Policy.
- xi. Thus, the Panel finds that the Respondent registered and has used the Disputed Domain Name in bad faith.

6. Decision

Based on the foregoing reasons, the Complaint is allowed and the Disputed Domain Name, <baseusworld.com>, is to be transferred to the Complainant.



Michael Soo Chow Ming
Panelist

Dated: 16th May 2023