



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301747
Complainant:	<u>Tineco Intelligent Technology Co., Ltd.</u>
Respondent:	Roshan J/MONO AUTOMOTIVE LTD
Disputed Domain Name(s):	<floor-one.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.

The Respondent is Roshan J of Mono Automotive Ltd., of 122 Gordon Road, NG2 5LW, Nottingham, UK.

The domain name at issue is <floor-one.com>, registered by Respondent with GRANSY S.R.O D/B/A SUBREG.CZ of Borivojova 878/35, 130 00 Prague, Czech Republic.

2. Procedural History

On April 25, 2023, the Complainant submitted to the Hong Kong Office (“HK Office”) of the ADNDRC (“ADNDRC”) 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”). On the same day, the HK Office sent to the Complainant by email an acknowledgment of the receipt of the Complaint, the format of which was reviewed for compliance with the Policy, the Rules and the HK Office Supplemental Rules. On the same day, the HK Office also notified the Registrar of the Complaint by email.

On April 26, 2023, the Registrar replied to the HK Office informing the identity of the domain name Registrant. On April 27, 2023, 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 May 4, 2023, the Complainant submitted an amended Complaint to the HK Office. On the same day, the HK Office forwarded the amended Complaint to the Respondent. The due date of the Response was May 24, 2023.

On May 25, 2023, the HK Office informed the Respondent of his default. On May 26, 2023, the HK Office appointed Francine Tan as the sole panelist in this matter. The

Panelist accepted the appointment and submitted a statement to the ADNDRC that she is able to act independently and impartially between the parties.

According to the provisions of the procedural rules, the Panel decided the language of the proceeding to be that of the Registration Agreement of the Disputed Domain Name, that is, English.

3. Factual background

The Complainant is a Chinese company which was founded in 1998. Its product lines comprise kitchen appliances, air cleaning appliances, cleaning appliances, and personal care appliances. The Complainant sells its products internationally, including in the USA, Canada, Japan, Germany, France, and Australia.

The Complainant claims that its products have achieved international recognition. Its FLOOR ONE trade mark is one of its brands in the cleaning appliance category. The Complainant states that its FLOOR ONE brand has won numerous international awards, including the CES Innovation Awards 2020 and the Red Dot Awards 2022. Its intelligent cordless vacuum cleaner occupies a large share of the U.S. cordless vacuum cleaner market, according to Amazon's February 2019 market share data. FLOOR ONE vacuum cleaners are sold in more than 100 countries and regions and have gained a strong reputation among the Complainant's customers.

The Complainant has applied for/ registered the FLOOR ONE mark in the following jurisdictions:

- China - Trademark No 42321768, registered on August 28, 2020, in class 7;
- China - Trademark No 56189027, registered on December 7, 2021, in class 37;
- EU - Trademark No 018204364 for FLOOR ONE, registered on August 15, 2020, in class 7; and
- International registration designating Singapore, UK, Indonesia, Israel, India, Norway, New Zealand, Philippines, Thailand, Turkey, Switzerland, Germany, Russian Federation and Vietnam - Trademark No 1531217, registered on March 3, 2020, in class 7.

The disputed domain name was registered on March 2, 2023.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is identical and/or confusingly similar to the Complainant's registered FLOOR ONE trade mark.
- ii. The Respondent does not have rights or legitimate interests in the disputed domain name. The Respondent does not appear to have trademark rights in the

name “Floor One”. It is not the Complainant’s distributor or business partner. The Respondent has never been authorized by the Complainant to use the FLOOR ONE trade mark or in a domain name.

- iii. The disputed domain name has been registered and is being used in bad faith. The disputed domain name was registered long after the Complainant’s FLOOR ONE trade mark had already achieved a high level of global recognition. At the time of the filing of the Complaint, the Respondent was using the disputed domain name for a website that imitated that of the Complainant. The Respondent clearly knew or should have known of the Complainant’s business and FLOOR ONE mark when he registered the disputed domain name.

B. Respondent

The Respondent did not file a Response to the Complaint.

5. 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 trade mark 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 shown it has the rights to the FLOOR ONE trade mark through registration. The disputed domain name <floor-one.com> comprises the Complainant’s trade mark in its entirety except for the addition of a hyphen between the words “floor” and “one” and the generic Top-Level Domain (“gTLD”) “.com”. The addition of the hyphen does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trade mark. The gTLD is irrelevant to the consideration of the issue of identity or confusing similarity as it is a standard registration requirement. (See Section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”).)

The Panel finds that the disputed Domain Name is identical and/or confusingly similar to the Complainant’s FLOOR ONE mark. The Complainant has satisfied the requirement of paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Once a complainant establishes 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 relation to the disputed domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name whereas the Respondent has failed to assert that any such rights or legitimate interests exist.

There is no evidence that the Respondent is affiliated to the Complainant or that the latter has licensed or otherwise permitted the Respondent to use the Complainant's trade mark. There is also no evidence showing that the Respondent is commonly known by the disputed domain name. The Respondent has not provided any evidence that he has obtained any trademark rights in FLOOR ONE or is widely known by the disputed domain name.

The Panel is therefore of the view that the Respondent has no rights or legitimate interests in respect of the disputed domain name and accordingly, paragraph 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The Complainant has submitted evidence which shows that the Respondent registered the disputed domain name sometime after the Complainant had registered and used its FLOOR ONE trade mark.

The Complainant provided evidence that, at the time of filing the Complaint, the disputed domain name resolved to a website which displayed the Complainant's name ("Tineco") and FLOOR ONE trade mark on its homepage, appearing to offer for sale the Complainant's FLOOR ONE-branded goods. The Panel further notes, at the time of the drafting of this Decision, that the disputed domain name resolves to a website which appears to offer for sale a competing brand (i.e. "Kärcher") of cleaning appliances.

Having considered the totality of the evidence presented, the Panel is persuaded that the Respondent was well aware of the Complainant and its business and targeted the Complainant when he registered the disputed domain name. The Panel concludes that the Respondent incorporated the Complainant's FLOOR ONE mark in the disputed domain name with the intention of misleading and directing Internet users to his own website for commercial gain, perhaps for phishing or other fraudulent purposes. Such registration and use of the disputed domain name are in bad faith.

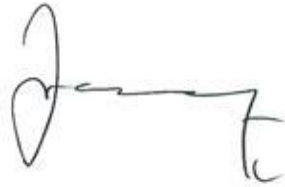
The Respondent did not submit a Response, from which the Panel draws a negative inference.

The Panel concludes from (i) the virtual identity between the disputed domain name and the Complainant's FLOOR ONE trade mark, (ii) the fact that the disputed domain name was used to direct Internet users to a website which initially imitated the Complainant's website and later on to what appears to be an imitation "Kärcher" website, and (iii) the fact that no Response was submitted by the Respondent in response to the Complaint, that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(a)(iii) of the Policy is 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 <floor-one.com> be transferred to the Complainant.

A handwritten signature in black ink, appearing to read 'Francine Tan', written in a cursive style.

Francine Tan
Panelist

Dated: June 5, 2023