



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301757
Complainant:	安踏(中国)有限公司
Respondent:	Romin Rana
Disputed Domain Name(s):	<antasports.com>

1. The Parties and Contested Domain Name

The Complainant is 安踏(中国)有限公司 (Anta (China) Co., Ltd.), of 晋江市池店镇东山工业区(Dongshan Industrial Zone, Chidian Town, Jinjiang City).

The Respondent is Romin Rana, of Brand Folio, AL Joud Center, Dubai, Duabi, United Arab Emirates.

The domain name at issue is <antasports.com>, registered by Respondent with GoDaddy.com, LLC, of 14455 North Hayden Road Suite 226 Scottsdale, AZ 85260 United States.

2. Procedural History

On May 31, 2023, the Complainant submitted a Complaint and Annexes (in Chinese) by email to the Hong Kong Office (“HK Office”) of the Asian Domain Name Dispute Resolution Centre (“ADNDRC”) and elected this case to be dealt with by a single-member panel, pursuant to the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for the UDRP (the “Rules”), and the ADNDRC Supplemental Rules to the Internet Corporation for Assigned Names and Numbers (ICANN) UDRP. In the same email, the Complainant asked the HK Office to confirm whether the HK Office would need the Complaint and Annexes in English for the proceedings. On the same day, the HK Office sent to the Complainant by email an acknowledgment of the receipt of the Complaint and Annexes. On the same day, the HK Office notified the Registrar of the Complaint by email and the Registrar replied to the HK Office on June 1, 2023, informing the contact information of the Respondent.

Subsequently, on June 1, 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, and that according to the Registrar, the Registration Agreement in the present case is in English, different from the Chinese version submitted by the Complainant in Annex 12 of the Complaint. On the same day, the HK Office informed the Complainant that

according to Article 11(a) of the Rules, the language of proceedings shall be the language of the Registration Agreement (i.e., English), subject to the authority of the Panel to decide otherwise, having regard to the circumstances of the administrative proceeding. In the same email, the HK Office remarked that the Complaint and Annexes have been submitted in Chinese and requested the Complainant to give their response regarding the language of the proceedings. On the same day, the Complainant responded to the HK Office, requesting that the language of proceedings be in Chinese. On June 2, 2023, the Complainant submitted its amended Complaint and updated Annex 12 to the HK Office. On June 7, 2023, the HK Office confirmed to the Complainant that the Complaint is in administrative compliance with the Policy and Rules. On the same day, the HK Office forwarded by email the Complaint together with the Annexes to the Respondent and requested the Respondent to respond to the email on the language of proceedings.

On June 7, 2023, the Respondent responded to the HK Office submitting that the Complaint and Annexes are in Chinese and that they do not understand it and requested the language of proceedings to be kept as English. On the same day, the HK Office confirmed receipt of the Respondent's submissions regarding the language of the proceedings. The due date of the Response by the Respondent was June 27, 2023. The Respondent did not file a Response and on June 28, 2023, the HK Office informed the Parties of the Respondent's default in response. On the same day, the HK Office sent a panelist appointment invitation to Li Yee Man Rosita and received a declaration of independence and impartiality from Li Yee Man Rosita on June 29, 2023. On the same day, the HK Office appointed Li Yee Man Rosita as the sole panelist in this matter.

In the present case, the Panel determines that the Complaint should proceed solely against the underlying registrant, Romin Rana (the "**Respondent**"), since it is the actual holder of the registration for the Disputed Domain Name as disclosed by the Registrar and against which the Complaint was initiated. The registrant information of the Disputed Domain Name was originally hidden through a privacy service.






3. **Factual background**


The Complainant is 安踏(中国)有限公司 (Anta (China) Co., Ltd.). The Complainant submits that it was founded in 2000, specializing in the design, production and sale of sports equipment such as sports apparel, shoes and accessories.

The Complainant submits that:-

- Since 2015, the Complainant has been the largest sporting goods group in the People's Republic of China ("**PRC**"), with a market capitalization of over 170 billion Hong Kong dollars in 2019, and ranking third in the global sporting goods industry and ranking 289th on the Fortune China 500 List in 2021.
- The first store for the Complainant's "安踏"/ "ANTA" brand ("**ANTA Brand**") opened in Beijing in 2001. By 2022, the Complainant has opened tens of thousands of its ANTA Brand stores in the PRC and overseas. The Complainant also set up the official flagship stores for its ANTA Brand on online platforms such as Tmall and JD.com to promote and sell products of ANTA Brand.
- The Complainant's ANTA Brand has ranked first in the PRC sporting market in terms of market share consecutively from 2001 to 2016, and has received many awards and recognition in the PRC.

- The Complainant has invested a large amount of expenses in advertisement every year to increase and maintain the popularity of their “安踏”/“ANTA” trade marks in the PRC, investing more than 24 million Renmenbi for advertisement and promotion during the period from 2015 to 2017.
- Through years of continuous sponsorship of many top international events and famous sports teams and athletes, the ANTA Brand has repeatedly appeared in international competitions and on the articles worn by athletes during competitions and award ceremonies and other sports equipments, and is widely known around the world.
- In 2017, 2019 and 2022, the Complainant group became the official partner and/or sportswear supplier of the Chinese Olympic Committee, the International Olympic Committee, and the Beijing 2022 Winter Olympic Games, respectively.
- The Complainant’s group has provided its ANTA Brand equipment for numerous national teams and Chinese sports delegations in over 30 major international sports events.
- The Complainant’s ANTA Brand has been recognized as a well-known trade mark by the China National Intellectual Property Administration.
- The Complainant is the proprietor of the following PRC trade marks for or incorporating “安踏” and/or “ANTA” in class 25 covering shoes, clothing, and hats (collectively, the “Complainant’s Marks”):-

	Trade Mark	Trade Mark Number	Registration Date
1.		1009204	1997-05-21
2.		1333427	1999-11-14
3.		1384238	2000-04-14
4.		1387242	2000-04-21
5.		1387241	2000-04-21
6.	安踏	2007377	2003-01-14
7.	ANTA	2007375	2003-01-14
8.	ANTA	4879788	2009-03-07

9.		6541038	2010-06-21
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The Disputed Domain Name was registered on January 19, 2015, and the Complainant submits that it resolves to an error page.

The Respondent is Romin Rana, of Brand Folio, AL Joud Center, Dubai, Duabi, United Arab Emirates. The Respondent did not file a Response to the HK Office.


4. Parties' Contentions


A. Complainant

The Complainant's contentions may be summarized as follows:


- i. The Disputed Domain Name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights.



The Complainant submits that the Disputed Domain Name was registered on January 19, 2015, and that the Complainant has registered the Complainant's

Marks, including marks incorporating the word "ANTA", such as "

" (PRC Trade Mark Registration No. 1009204); "" (PRC Trade Mark

Registration No. 1333427); "" (PRC Trade Mark Registration No.

1384238); "" (PRC Trade Mark Registration No. 1387242); "

" (PRC Trade Mark Registration No. 2007375); and "" (PRC Trade Mark Registration No. 4879788), prior to the Disputed Domain Name's date of registration. The Complainant contends that the Complainant's Marks have become very well known in the Chinese and global market through long-term and extensive commercial use. The Respondent as an ordinary consumer could not have been unaware of the ANTA Brand.

The Complainant submits that its "ANTA" trade mark is highly distinctive and has been registered and used on clothing, shoes and hat products. The Complainant further submits that its "ANTA" trade mark has formed a stable connection with the Complainant through extensive use and media coverage. The Complainant contends that the identifying part of the Dispute Domain Name is the word "antasports", and that the public can easily identify the term "antasports" as "anta" and "sports". The Complainant also contends that given that "sports" directly refers to the Complainants primary industry of sportswear, the main distinctive part

of the Disputed Domain Name is “anta”, which is identical to the Complainant’s “ANTA” trade mark.

- ii. The Respondent has no rights or legitimate interests in the Disputed Domain Name.

The Complainant submits that the Respondent does not own any registered trade mark for “ANTA” and the Complainant has never licensed the Respondent to use the “ANTA” trade marks or authorized the Respondent to register any domain names or other commercial marks incorporating “ANTA” or similar words. Hence, the Complainant submits that the Respondent has no rights to the Disputed Domain Name.

- iii. The Disputed Domain Name has been registered and is being used in bad faith

The Complainant contends that the Respondent registered the Disputed Domain Name in bad faith, with knowledge of the Complainant’s Marks. The Complainant further contends that the Disputed Domain Name resolves to a website that cannot be opened and was not actually being used. The Complainant submits that the Respondent’s act in registering the Disputed Domain Name without actually using it disrupted the Complainant’s normal business activities and prevented the Complainant from using the Disputed Domain Name to carry out its own business activities normally.

B. Respondent

The Respondent did not file a Response to the Complaint within the required time limit.

5. Findings

5.1 Administrative Issue

Language of Proceedings

Paragraph 11(a) of the Rules provides that “[u]nless 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 Panel notes that a copy of the Registration Agreement was provided in the Annexes of the Complaint, and the said Registration Agreement was in English. The Registrar in its email to the HK Office of June 1, 2023, also confirmed that the Registration Agreement was in English.

The Panel notes that the Complaint and Annexes were submitted in Chinese and that the Complainant’s representative asked the HK Office in its email on May 31, 2023, to confirm whether English versions of the documents would be required. The Panel notes that the Complainant requested for the language of proceedings to be in Chinese in its email to the HK Office on June 1, 2023. The Panel also notes that while the Respondent did not file a

Response to the Complaint, the Respondent did respond to the HK Office by email on June 7, 2023, requesting the language of proceedings to be kept in English for the reason that they do not understand Chinese.

Given that the Registration Agreement is in English, and the Panel does not require the Complainant to translate its Complaint and Annexes submitted in Chinese to English, there should be no prejudice placed on the Complainant to keep the language of proceeding as English. The Panel is familiar with both languages, capable of reviewing the Complaint and Annexes submitted in Chinese, and able to give full consideration to the Parties' respective submissions. In any event, the Panel has summarized the submissions of the Complainant in English in this decision which does not prejudice the Respondent or burden the Respondent with costs. Having considered the circumstances of the proceedings, the Panel determines that the proceedings should be conducted in English.

5.2 Substantive Issues

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

A) Identical / Confusingly Similar

It has been well established that generic Top-Level Domains such as ".com" in a domain name does not typically form part of the relevant assessment in the test of confusing similarity. The Panel will accordingly consider the Second-Level Domain of the Disputed Domain Name (i.e., "antasports").

The Complainant demonstrated that it is the proprietor of the Complainant's Marks prior to the registration of the Disputed Domain Name and the filing of the Complaint.

The Panel notes that the Disputed Domain Name incorporates the Complainant's "ANTA" trade marks in their entirety with the addition of the word "sports" after "anta". The Panel finds that the word "sports" is a non-distinctive part of the Disputed Domain Name and a generic term. The Panel also accepts the Complainant's submission that the word "sports" in the Disputed Domain Name is descriptive of the sportswear business of the ANTA Brand and that the dominant distinctive element of the Disputed Domain Name is "anta". As such, the Panel finds that the addition of the word "sports" does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's "ANTA" trade marks.

Accordingly, the Panel is of the view that the Disputed Domain Name is confusingly similar to the Complainant's "ANTA" trade marks and the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Panel notes that to the Complainant's knowledge, the Respondent does not own any registered trade marks for "ANTA" and the Complainant has never licensed the Respondent to use the Complainant's Marks or authorize the Respondent to register any domain names incorporating "ANTA" or any similar words to "ANTA".

The Panel further notes that as at the date of this decision, the Disputed Domain Name resolves to an error page. The Panel accepts the Complainant's submissions that, at the time the Complaint was being prepared, the Disputed Domain Name has also resolved to an error page. It is an accepted principle that passive holding of a domain name over a period of time is usually evidence of illegitimate use. Considering the circumstances of the case, the Respondent's current passive holding of the Disputed Domain Name does not serve as an indicator of the Respondent's rights or legitimate interests in the Disputed Domain Name.

In the present case, the Panel is satisfied that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests.

The Panel notes that the Respondent has failed to provide any evidence or submit any arguments to demonstrate that it had rights or legitimate interests in the Disputed Domain Name.

Accordingly, the Panel is of the view that the Respondent does not have rights or legitimate interests in respect of the Disputed Domain Name and that paragraph 4(a)(ii) of the Policy has been satisfied.

C) Bad Faith

It is well established that the registration of a domain name which is identical or confusingly similar to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith.

The Complainant's "ANTA" trade marks were registered in China since at least 1997, which predates the registration of the Disputed Domain Name. The Panel considered the evidence submitted by the Complainant and accepts that the Complainant's ANTA Brand is recognized for sportswear, sports accessories, and sports equipment, and enjoys a high reputation amongst the relevant public. The Panel is prepared to find that "ANTA" has no specific meaning in English and is the Mandarin Chinese transliteration of the Complainant's Chinese name "安踏", and that the "ANTA" trade marks are distinctive and well-known. Considering the reputation of the Complainant's "ANTA" trade marks, it would not be plausible for the Respondent to claim they were unaware of the Complainant's ANTA Brand and/or the Complainant's "ANTA" trade marks, or that the choice in domain name was coincidental.

Further, considering the composition of the Disputed Domain Name, in particular, the incorporation of the word "sports" which is descriptive of the Complainant's ANTA Brand's products, the Panel is prepared to infer that the Respondent knew or should have known that its registration of the Disputed Domain Name would be confusingly similar to the Complainant's "ANTA" trade marks. Accordingly, the Panel finds that the

Respondent registering a domain name confusingly similar to the Complainant's earlier well-known "ANTA" trade marks is a clear indicator of bad faith.

The Panel notes that the Complainant did not license the Respondent to use the "ANTA" trade marks or authorize the Respondent to register any domain name incorporating the "ANTA" trade marks or any similar term. The Panel notes that the Respondent holds the Disputed Domain Name passively, in that the Disputed Domain Name resolves to an error page at the date of this Decision without any substantive content.

It is an accepted principle that the passive holding of a domain name over a period of time is an indicator of bad faith. There are circumstances where passive holding of a domain name proves bad faith, and as discussed in *Telstra Corporation Limited v. Nuclear Marshmallows* (WIPO Case No. D2000-0003), the factors that Panels would consider in determining whether passive holding/inactivity of a domain name constitutes bad faith includes: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or provide any evidence of actual or contemplated use in good faith; (iii) the respondent's concealment of its identity or use of false contact details (in breach of its registration agreement); and (iv) the implausibility of any good faith use to which the domain name may be put.

As mentioned above, the Complainant's "ANTA" trade marks are distinctive and widely-known. The Panel notes that the Respondent has failed to provide a response or evidence of actual or contemplated use of the Disputed Domain Name in good faith. Further, the Panel observes that the Respondent attempted to conceal its identity using a proxy service. The Panel is of the view that the Respondent's use of a proxy service and provision of false contact information are indicators of bad faith. Considering the above, the Panel finds it implausible that there could be any good faith use of the Disputed Domain Name.

In addition, the Panel finds that the Respondent's registration and passive holding of the Disputed Domain Name was in bad faith as it prohibits the Complainant from registering and using the Domain Name and disrupts its business.

In view of the foregoing and the Respondent's clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the domain name, the Panel is of the view that paragraph 4(b)(iii) of the Policy has been satisfied.

6. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the Policy and paragraph 15 of the Rules, the Panel orders that the Disputed Domain Name, <antasports.com>, be transferred to the Complainant.



Li Yee Man Rosita
Panelist

Dated: July 12, 2023