



**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	HK-2301822
<b>Complainant:</b>	LINING SPORTS (SHANGHAI) COMPANY LIMITED
<b>Respondent:</b>	Amber Lin
<b>Disputed Domain Name(s):</b>	<lining-global.com >

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

The Complainant is LINING SPORTS (SHANGHAI) COMPANY LIMITED, whose address is Room 1001 No.666 Zhaohua Road, Changning District, 200050, Shanghai, P.R. China.

The Respondent is Amber Lin, whose address is 190 72<sup>nd</sup> street, 163 Brooklyn JFK 11209.

The domain name at issue is <lining-global.com>, registered by Respondent with Wild West Domains, LLC whose address is 2150 E Warner Road Tempe, AZ 85284.

**2. Procedural History**

On October 27, 2023, the LINING SPORTS (SHANGHAI) COMPANY LIMITED (the “Complainant”) submitted a complaint (the “Complaint”) in the English language to the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (the “ADNDRC”) concerning 1 domain name <lining-global.com> and elected this case to be dealt with by a single-member panel.

On October 27, 2023, the Hong Kong office of the ADNDRC notified the Registrar Wild West Domains, LLC (The “Registrar”) by email, that a Complaint was filed with the Hong Kong Office of the ADNDRC by the Complainant. The Hong Kong Office asked the Registrar to submit some information, in particular a confirmation of the WHOIS information, in order to proceed to review Complainant’s Complaint.

On October 31, 2023, the Hong Kong Office of the ADNDRC received the reply from the Registrar on the WHOIS information and confirmed a lock has been applied to the domain name.

On November 8, 2023, the Hong Kong Office of the ADNDRC informed Complainant of the deficiencies of the Complaint and requested Complainant to rectify the deficiency by

changing the name of the Respondent to “Amber Lin” according to the WHOIS information provided by the Registrar.

On November 9, 2023, Complainant sent amended Annex items and amended Complaint to the Hong Kong Office of the ADNDRC.

On the same day, the Hong Kong Office of the ADNDRC asked Complainant to revise the date of the Complaint Form in accordance with the date of the filing. The Complainant amended the Complaint accordingly.

On the same day the Hong Kong Office of the ADNDRC confirmed to Complainant that the Complaint is in administrative compliance with the Uniform Domain Name Dispute Resolution Policy (The “Policy”) and the Rules for ICANN Uniform Domain Name Dispute Resolution Policy (the “Rules”).

On November 10, 2023, the Hong Kong Office of the ADNDRC notified the respondent Amber Lin (the “Respondent”) that a Complaint against them was submitted by Complainant concerning the registered domain name <lining-global.com>. The deadline for submitting the response is November 30, 2023.

No Response to the Complaint was filed by the Respondent with the ADNDRC Hong Kong Office on or before the prescribed deadline of November 30, 2023 and the Respondent is therefore in default.

On November 23, 2023, the Panelist acting as a sole party, Nathalie Dreyfus, has been appointed by the Hong Kong Office of the ADNDRC in respect to the disputed domain name.


### **3. Factual background**



#### **3.1 For the Complainant**

“LINING” is the Chinese Pinyin representing Mr. Li Ning’s name, who is the founder and legal representative of the Complainant. Mr. Li Ning, a former Chinese Olympic gymnast, established the company in 1989. The company endorses numerous athletes and teams worldwide, with its primary products including athletic shoes, apparel, sports equipment, accessories and more.

The Complainant registered the LINING trademark in multiple countries and regions, including the US where Respondent is located, China and Spain.

For instance, Complainant owns:

- Chinese registered, and renewed “LINING” trademark n° 525505 of July 30 1990, for goods in Class 25
- Chinese registered and renewed  trademark n°7650515 of November 21 2010, for goods in Class 25
- USA registered and renewed “LINING” trademark n°78072722 of June 22 2004, for goods in Class 25

- USA registered and renewed  trademark n°77825625 of November 2 2010, goods in Class 25
- Spanish registered and renewed “LINING” trademark n°691228 of November 26 1997, goods in Class 25
- Spanish registered  trademark n°1471865 of April 17, 2019, for goods in Class 25

Besides, Complainant registered the domain name <lining.com> on March 3, 1999 and has been using it as official website since then for LINING business.

Complainant became aware of the disputed domain name <lining-global.com> registered on July 1, 2023, and filed a Complaint on October 27, 2023, accordingly.

### 3.2 For the Respondent


No Response to the Complaint was filed with the ADNDRC Hong Kong Office by the Respondent. Therefore, the facts are unchallenged and Respondent is in default.

## 4. Parties’ Contentions

### A. Complainant


The Complainant’s contentions may be summarized as follows:

- i. The disputed domain name(s) is/are identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant asserts that LINING trademarks and  trademarks long predated the registration of the disputed domain name, which gives Complainant prior trademark rights over LINING. The Complainant further alleges that the Disputed Domain Name is identical or confusingly similar to the complainant’s trademarks, in that the effective part “lining” of the disputed domain name is identical with the LINING trademark. The remaining part “global” in the disputed domain name is a description of the geographical scope and lacks distinctiveness.


- ii. The Respondent has no rights or legitimate interests in respect of the domain name(s):

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the domain name. In fact, the Complainant has never authorized or permitted the Respondent to

use the LINING trademark or  trademarks, or use it to register any domain name consisting of the LINING trademark.


- iii. The disputed domain name(s) has/have been registered and is/are being used in bad faith

The Complainant alleges the Respondent's domain name has been registered in bad faith. In fact, the Complainant further evidences that the Respondent had actual knowledge of the Complainant

and the LINING and  trademarks, as they are highly distinctive and unique. Furthermore, the Complainant has registered and used the domain name <www.lining.com>, which has garnered a strong reputation in the Chinese clothing industry.

Finally, the Complainant asserts that the disputed domain name has been used in bad faith. The similarity between LINING trademark and the disputed domain name may lead Internet users to a misperception of the sources of goods.

Regarding the web page of the disputed domain name, its layout bears a striking resemblance to the Complainant's official website. The homepage of the disputed domain name prominently

displays the trademark "LINING" and the logo "". All products displayed on the page lead directly to the Complainant, and every product introduction or image features references to the Complainant's trademarks. The "CONTACT US" link directs to a contact information page, with all linked information pointing directly to the Complainant's closely related company "Li Ning (China) Sports Goods Co., Ltd" where Mr. Li Ning serves as the legal representative for both entities. More, the type of products displayed at the top of the homepage of the website are the same as those on the Complainant's official website.

The "CONTACT US" page has the potential to mislead Internet users into thinking that the Respondent is affiliated with the Complainant or has some form of sponsorship with the Complainant. The displayed products may be perceived as counterfeit goods associated with the Complainant, further creating a likelihood of confusion regarding the sources of goods.

## B. Respondent

No Response to the Complaint was filed with the ADNDRC Hong Kong Office by the Respondent.

## 5. Findings


Paragraph 15(a) of the Rules directs the Panel as to the principles the Panel is to use in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable".

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 established that registered the LINING and the  trademarks long predated the registration of the disputed domain name.


When assessing whether the Disputed Domain Name is identical and confusingly similar to the Complainant's trademark, it has been well established the ".com" generic top-level part should not be considered.

The mere addition of a generic word such as "global" does not prevent the disputed domain name from being confusingly similar to the Complainant's LINING trademark. Therefore, the Panel is of the opinion that the additional generic element "global" in the contested domain name cannot avoid the confusion between the Complainant's trademark and the Disputed Domain Name.

On this basis, the Panel finds that the Disputed Domain Name <lining-global.com> is confusingly similar to the Complaint's registered trademarks.

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

It is well established that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. Respondent does not own any right on the "LINING or "lining-global" trademarks, and Complainant has never authorized or permitted the Respondent to use the LINING trademark or use it to register any domain name consisting of the LINING trademark.

More, the disputed domain name is resolving to a website that offers counterfeiting products of the LINING trademark and the  trademark, which creates a likelihood of confusion regarding the sources of goods.


The "CONTACT US" page has the potential to mislead Internet users into thinking that the Respondent is affiliated with the Complainant or has some form of sponsorship with the Complainant.



Thus, the Panel considers that the website associated with the disputed domain name is being used in the course fraudulently soliciting business, which entitles the Panel to infer that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.


### **C) Bad Faith**

The Complainant has put forward evidence showing that the Complainant's trademarks the LINING and the  have become a significant identifier of the Complainant's goods and services.

Evidence put forward by the Complainant proves the actual knowledge of the Complainant trademarks. The Respondent's precisely introduced the LINING and the  on the associated website of the disputed domain name in order to benefit from the goodwill of the Complainant and the LINING and the  trademarks, as the disputed domain name is resolving to a website providing alleged LINING products.

As such, the Panel infers that the Respondent must have sufficiently known about the Complainant's trademark and confirms that the website corresponding to the disputed domain name creates a false affiliation between the Respondent and the Complainant. Therefore, the Panel finds that the disputed domain name was registered in bad faith.

Finally, the Complainant asserts that the disputed domain name has been used in bad faith. The similarity between LINING trademark and the disputed domain name may lead Internet users to a misperception of the sources of goods.

Indeed, regarding the web page of the disputed domain name, its layout bears a striking resemblance to the Complainant's official website. The homepage of the disputed domain name prominently displays the LINING trademark and the . All products displayed on the page lead directly to the Complainant and feature references to the Complainant's trademarks.

As demonstrated by Complainant, the "CONTACT US" link also directs to a contact information page, with all linked information pointing directly to the Complainant's closely related company "Li Ning (China) Sports Goods Co., Ltd" where Mr. Li Ning serves as the legal representative for both entities. More, the type of products displayed at the top of the homepage of the website are the same as those on the Complainant's official website.

Therefore, the Panel agrees that the "CONTACT US" page has the potential to mislead Internet users into thinking that the Respondent is affiliated with the Complainant or has some form of sponsorship with the Complainant, and that the displayed products may be perceived as counterfeit goods associated with the Complainant, further creating a likelihood of confusion regarding the sources of goods.

Paragraph 4(b)(iv) of the Policy provides that "by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website 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 your website or location or of a product or service on your website or location". In the present case, the Panel finds that the Respondent's registration and use of the Disputed Domain Name are in bad faith under Para 4(b)(iv) of the Policy.

The Panel concludes that the Disputed Domain Name has been registered and is being used in bad faith.

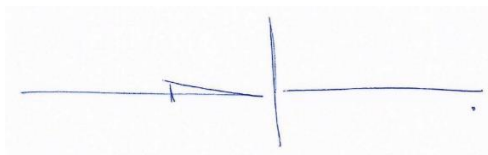
## 6. Decision

For all of the foregoing reasons, the Panel decides that the domain name registered by Respondent is confusingly similar to the trademark in which the Complainant has rights, that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and that the Respondent's domain name has been registered and is being used in bad faith.

Accordingly, pursuant to Paragraph 4(i) of the Policy, the Panel orders that the registration of the domain name <lining-global.com> be transferred to the Complainant.

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Nathalie Dreyfus

A handwritten signature in blue ink, consisting of a horizontal line with a vertical stroke intersecting it near the center, and a small loop on the left side.

Panelists

Dated: December 13, 2023