



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2301834
Complainant:	Tineco Intelligent Technology Co., Ltd
Respondent:	Lenna Wehner
Disputed Domain Name:	<tinecoua.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, People's Republic of China.

The Respondent is Lenna Wehner, of 1920 E Riverside Blvd, Loves Park, Indiana 61111, United States of America.

The Domain Name at issue is <tinecoua.com>, registered by Respondent with Sav.com, LLC, of 2229 South Michigan Ave, Suite 303, Chicago, IL 60616, United States of America.

2. Procedural History

On 20 November 2023, pursuant to the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), approved by the Internet Corporation for Assigned Names and Numbers ("ICANN") on 24 October 1999, the Rules for the Uniform Domain Name Dispute Resolution Policy (the "Rules") approved by ICANN on 28 September 2013 and the Asian Domain Name Dispute Resolution Centre ("ADNDRC") Supplemental Rules to the UDRP and the Rules (the "Supplemental Rules"), effective as of 21 August 2023, the Complainant submitted a Complaint to the Hong Kong Office ("HK Office") of the ADNDRC.

On 20 November 2023, the HK Office sent to the Complainant by email an acknowledgment of the receipt of the Complaint and reviewed the format of the Complaint for compliance with the Policy, the Rules and the Supplemental Rules. The HK Office also notified the Registrar of the Complaint by email.

On 1 December 2023, the Registrar replied to the HK Office informing about the identity of the Registrant of the Disputed Domain Name.



On 1 December 2023, the HK Office informed the Complainant about a deficiency concerning the format of the Complaint Form. On the same day, the Complainant submitted an amended Complaint to the HK Office.

On 4 December 2023, the HK Office confirmed receipt and forwarded the amended Complaint to the Respondent. The due date of the Response was 25 December 2023. The Respondent did not file a Response and on 27 December 2023, the HK Office informed the Respondent of his default. On 29 December 2023, the HK Office appointed André Pohlmann as the sole panelist in this matter.

3. Factual background

The Complainant, Tineco Intelligent Technology Co., Ltd, is a technological innovation company focusing on intelligent technology. Tineco was founded in 1998 and has developed into a premium brand in smart electrical appliances. The Complainant invented the first self-developed double-cyclone vacuum cleaner and holds more than 400 patents. In 2019, the Complainant released the first wireless smart vacuum cleaner. The Complainant now has various product lines of wireless vacuum cleaners, wireless floor cleaners, and wireless mite removers, with annual sales of almost 4 million units. The products are exported to more than 100 countries and regions in the world. The Complainant has won various awards like the China International Expo Gold Award or the German Red Dot Award. The Complainant sells its products in major home appliance department stores and on e-commerce platforms in China, the United States, Japan, Canada etc.

The Complainant owns a considerable number of registered trade marks consisting of the word element “Tineco” (‘the Tineco trade marks’) around the world for various goods and services in Classes 7-11, 20-21, including but not limited to the following:

- Chinese trade mark registration No. 28051059A “TINECO” (word), registration date 28 December 2018. The mark is currently valid until 27 December 2028 and covers goods in Class 7.
- Chinese trade mark registration No. 28051061A “TINECO” (word), registration date 28 December 2018. The mark is currently valid until 27 December 2028 and covers goods in Class 9.
- Chinese trade mark registration No. 28051063A “TINECO” (word), registration date 21 December 2018. The mark is currently valid until 20 December 2028 and covers goods in Class 11.
- Hong Kong trade mark registration No. 304499759 “TINECO” (word), registration date 20 April 2018, covering a wide range of goods in Classes 7-11 and 21.
- Hong Kong trade mark registration No. 304596904  (fig.), registration date 13 July 2018, covering a wide range of goods in Classes 7-11 and 21.
- International trade mark registration No. 1 470 679  (fig.), registration date 4 January 2019 (effective date), with designations to many countries in world. The mark is currently valid until 4 January 2029 and covers goods in Classes 7-11 and 21.

- European Union trade mark registration No. 18 482 808 (fig.), registration date 15 September 2021. The mark is currently valid until 31 May 2031 and covers products in Class 20.

The disputed domain name <tinecoua.com> was registered on 13 July 2023 and resolves to an e-commerce site related to the Complainant's products, displaying the Complainant's trade marks and copyrighted images. It seeks to give the impression that it is an official store of the Complainant, selling official Tineco home appliances including smart wireless vacuum cleaners, floor washers and accessories.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant has a worldwide sales network including countries like China, the United States, Canada, Japan, Germany, France, Australia etc. In China, the Complainant has established multiple sales channels, including specialty shops, home appliance chains, traditional department stores and e-commerce platforms. The Complainant is also active on social media channels such as TikTok, Xiaohongshu and Weibo. In 2019, the Complainant presented 'PURE ONE', the world's first smart cordless vacuum cleaner. The Complainant's investment in the domestic and international markets achieved a total revenue of RMB 273 million, an increase of 134.4% over the same period last year. The Complainant entered the US market only in May 2018 and jumped from an initial market share of 0.1% to 12.9% in February of the following year. Today, the Complainant's vacuum cleaners are sold in more than 100 countries and regions and have gained an excellent reputation among their customers. In addition, the Complainant has won numerous international industry awards. In summary, the Complainant's core brand, Tineco, has been widely promoted and nowadays enjoys a high level of awareness among the relevant public.
- ii. The Complainant firmly believes that when comparing the Disputed Domain Name with the Complainant's Tineco trade marks, the relevant comparison should only be between the second level part of the domain name and the Complainant's mark. At the time of registration of the Disputed Domain Name, the Complainant's Tineco brand was already well known and had a high level of reputation. The Disputed Domain Name is a combination of the Complainant's well-known brand tineco and "ua", the latter being the country abbreviation for Ukraine. The English word 'ua' is a generic word that lacks any significance. The main identifying part of the disputed domain name is Tineco, which is identical to the Complainant's Tineco trade marks. The threshold test for confusing similarity involves a reasoned but relatively straightforward comparison between the trade mark and the domain name to determine whether the domain name is confusingly similar to the trade mark. Obviously, the Disputed Domain Name <tinecoua.com> completely contains the Complainant's Tineco trade marks. The Complainant submits that the Disputed Domain Name contains all or at least one of the main features of the Complainant's Tineco trade marks and is likely to cause confusion.

- iii. The Complainant searched various national and regional trade mark databases in the name of the Respondent and did not find that the Respondent had trade mark rights including or consisting of the sign Tineco. The Respondent is not the Complainant's distributor or partner. The Complainant has never directly or indirectly authorized the Respondent to use the Tineco trade marks or the corresponding domain names in any form. In summary, the Respondent does not have any rights or legitimate interests in the domain name.
- iv. The Disputed Domain Name was applied for on 13 July 2023, prior to which the Tineco brand had already achieved a high level of global recognition. According to the Complainant's investigation of the Disputed Domain Name, it was found that the content of the website overlaps with the activities of the Complainant. This clearly shows that the Respondent knew or should have known the Complainant's business name and trademark when registering the Domain Name. The act of choosing to apply for the domain name at issue was malicious. Prior panels have found that knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith. The 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. The disputed domain refers to a website related to the Complainant's business. The Complainant's Tineco trade marks appear several times on the website. In summary, the Complainant firmly believes that the Respondent has registered and used the disputed domain name in bad faith.
- v. The Complainant requests that the Disputed Domain Name be transferred to the Complainant.

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 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 or Confusingly Similar to the Complainant's Trade Marks

The Complainant has provided evidence of its trademark registrations for, and rights in, the Tineco trade marks.

The Complainant's Tineco mark is reproduced entirely in the Disputed Domain Name. The additional abbreviation 'ua' of the Disputed Domain Name may refer to the Internet country code top-level domain for Ukraine. It may also be a misspelling

of the country abbreviation 'US' or 'USA'. Furthermore, this misspelling of 'US' is easily made due to the position of the letters 'A' and 'S' next to each other on a normal keyboard. It is the view of the Panel that the Respondent has deliberately taken advantage of a common misspelling made by Internet users (compare to *Société Air France v. Alvaro Collazo*, WIPO Case No. D2004-0446; *Tumblr, Inc. v. Land Merchandising Inc.*, WIPO Case No. D2013-0439; *ZipRecruiter Inc. v. Zhi Chao Yang*, WIPO Case No. D2020-2211). In both cases, 'UA' refers to the geographical area where the products displayed on the website of the Disputed Domain Name are offered or directed to. The Panel therefore finds that the Disputed Domain Name is confusingly similar to the Complainant's Tineco trade marks. The inclusion of the generic Top-Level Domain ("gTLD") ".com" does not remove the high degree of similarity with the Complainant's Tineco trade mark as the gTLD is merely a technical requirement for domain name registrations.

The first element of paragraph 4(a) of the Policy has been satisfied.

B) Rights and Legitimate Interests of the Respondent

The Panel finds that the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the Disputed Domain Name. There is no evidence that the Respondent is commonly known by the Disputed Domain Name. The Respondent does not appear to use the Disputed Domain Name for a legitimate noncommercial or fair use, without intent for commercial gain. The Respondent's conduct of:

- (i) blatant use of the Complainant's Tineco trade marks on the website as well as attempt to pass off the website as the Complainant's official website; and
- (ii) purporting to offer and sell household appliances including smart wireless floor and carpet cleaners under the Complainant's registered Tineco trade marks despite not being licensed or authorized by, or being affiliated to, the Complainant, are all evidence of the Respondent's lack of rights and legitimate interests in the Disputed Domain Name. Such use of the Disputed Domain Name for an illegal activity can never confer rights or legitimate interests on the Respondent (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"), section 2.13.).

Once a Complainant has established 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 respect of the Disputed Domain Name (See WIPO Jurisprudential Overview 3.0, section 2.1.). The Respondent did not submit a Response to the Complaint, nor has she provided any explanation or evidence to show she has rights or legitimate interests in the Disputed Domain Name. The Respondent has therefore failed to rebut the Complainant's *prima facie* case.

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

The second element of paragraph 4(a) of the Policy has been satisfied.

C) Bad Faith

A Complainant has the burden of proving that the Respondent registered and is using the Disputed Domain Name in bad faith. Paragraph 4(b) of the Policy states that:

“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 respondent has] registered or [the respondent 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 [its] documented out-of-pocket costs directly related to the domain name; or

(ii) [the respondent 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 respondent has] engaged in a pattern of such conduct; or

(iii) [the respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [its] 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 respondent's] web site or location or of a product or service on [the respondent's] web site or location.”

The Complainant's Tineco trade marks have been registered throughout the world including regions or countries like the European Union, Australia, China, Japan, Mexico, Thailand, India, Indonesia, Turkey, the United Kingdom, New Zealand, and the United States of America since 2018. Although the brand was launched only a couple of years ago outside China, it has gained a considerable goodwill since then. For example, according to the non-contested data provided by the Complainant, the market share of the Tineco brand for cordless vacuum cleaners rose from 0.1% in 2018 to 12.9% in 2019 in the US. The success of the Tineco brand is also confirmed by the awards received in 2019 (Trusted Reviews Awards 2019, best smart cordless vacuum 'Tineco Pure One S12') and 2020 (Red Dot Winner 2020 for the design of the 'Tineco Floor One smart floor washer' and the design of the 'Tineco IFLOOR 3 smart floor washer'). Given the extensive use of the Complainant's Tineco trade marks, the appearance of the Respondent's website, and how the disputed domain name is being used by the Respondent, it is evident that the Respondent was well aware of and specifically targeted the Complainant and its Tineco trade marks. The word "Tineco" is inherently distinctive for household appliances including vacuum cleaners and floor cleaners. It cannot be any coincidence that the logo used on the

Respondent's website  is identical to the Tineco trade

mark registered and used by the Complainant at least since 2018. Moreover, the layout of the website using the disputed Domain Name is almost identical to the layout and design of the Complainant's Internet sites. Furthermore, the household appliances offered by the Respondent look like the products sold by the Complainant under his websites. The Respondent is not an authorized reseller of the Complainant. The Respondent's attempt to pass off the goods sold from the Respondent's website as the Complainant's and ride off the reputation and goodwill of the Complainant has not been disputed by the Respondent. The disputed domain name is confusingly similar to the Complainant's Tineco trade marks, which the Panel finds demonstrates a blatant attempt by the Respondent to confuse and/or mislead Internet users seeking or expecting the Complainant. For all those reasons, the Panel takes the view that bad faith under paragraph 4(b)(iv) of the Policy was sufficiently demonstrated.

The third element of paragraph 4(a) 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 <tinecoua.com> be transferred to the Complainant.



André Pohlmann
Panelist

Dated: 10 January 2024

