



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

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|---------------------------------|----------------------------------|
| Case No. | HK-2301843 |
| Complainant: | Crown Worldwide Holdings Limited |
| Respondent: | Amit Dixit HD Media Solution |
| Disputed Domain Name(s): | <crowrelo.co> |

1. The Parties and Contested Domain Name

The Complainant is Crown Worldwide Holdings Limited, of 38 Gloucester Road, Suite 2001, YF Life Centre, Wanchai, Hong Kong.

The Respondent is Amit Dixit HD Media Solution, of V.P.O.- Gudha, The. – Kanina, Mahendragarh, Haryana 123027, India.

The domain name at issue is <crowrelo.co> (the “Domain Name”), registered by Respondent with GoDaddy.com, LLC, of 2150 E Warner Rd. Tempe, AZ 85284, USA.

2. Procedural History

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre (the “Centre”) on December 5, 2023. On the same day, the Centre confirmed receipt of the Complaint and transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 6, 2023, the Registrar transmitted by email to the Centre its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent (Privacy Protection, Hosting Ukraine LLC) and contact information in the Complaint. The Centre sent an email communication to the Complainant on December 18, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on December 22, 2023.

The Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy effective from August 21, 2023 (the “Supplemental Rules”).

Under Paragraphs 2 and 4 of the Rules, the Centre formally notified the Respondent of the Complaint, and the proceedings commenced on January 3, 2024. Under Paragraph 5 of the Rules, the due date for filing a Response by the Respondent was January 23, 2024. The

Respondent submitted no response by this deadline date. The Centre confirmed in an email to the parties that it did not receive a Response Form from the Respondent within the required time on January 23, 2024.

The Centre appointed Olga Zalomyi as the sole panelist in this matter on January 24, 2024. The Panel finds it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Centre to ensure compliance with the Rules, Paragraph 7.

3. Factual background

The Complainant, a member of the Crown Worldwide Group founded in 1965, was established in 1978. Engaged in facilitating global relocations for individuals, families, corporations, and government entities, the Complainant's services are accessible worldwide through its online portal/website. Notably, the complainant has registered various domain names, including <CrownWorldwide.com>, <CrownRelo.com>, and <CrownRelo.co.in>, incorporating its trademarks.

The Complainant owns several trademark registrations for its CROWN RELOCATIONS trademark, such as:

- New Zealand registration No. 986258 for the CROWN RELOCATIONS mark, registered on October 16, 2013.
- New Zealand registration No. 986258 for the CROWN RELOCATIONS mark (words and design), registered on October 11, 2013.

The Respondent registered the Domain Name on December 18, 2022. The Domain Name directs to a website offering packing, moving and relocations services that displays the Complainant's CROWN RELOCATIONS mark in its entirety. The Respondent's website color scheme is similar to the one of the Complainant's official website, which makes the Respondent look like a website of a Complainant's affiliate.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant asserts that the Domain Name is identical or confusingly similar to the Complainant's CROWN AND CROWN RELOCATIONS trademarks because the Domain Name incorporates the entirety of the Complainant's CROWN mark and its CROWN RELOCATIONS trademark is recognizable within the Domain Name.
- ii. The Complainant alleges that the Respondent has no rights or legitimate interests in the Domain Name because the Complainant did not authorize or permitted the Respondent to use any of its CROWN marks. The Complainant contends that the Respondent is not commonly known by the Domain Name because his name differs from the Domain Name. The Complainant contends that the Respondent's acquisition and use of the Domain Name that is identical or closely resembling

the Complainant's marks, along with the sale of products and similar to those of the Complainant, do not create any rights or legitimate interests in the Domain Name.

- iii. The Complainant alleges that the Respondent registered the Domain Name in bad faith because it registered the Domain Name with the knowledge of the Complainant's trademark and the Complainant's business. The Complainant argues that the fact that the Domain Name, which is similar to its trademarks, directs to a website displaying its CROWN RELOCATIONS mark, supports such contention.
- iv. The Complainant contends that the Respondent is using the Domain Name in bad faith because the Domain Name directs to a website that reproduces the Complainant's trademark to advertise services supposedly offered by the Complainant.
- v. The Complainant contends that the Respondent engages in deceptive and infringing practices by redirecting Internet users to its website through the unauthorized use of the Complainant's Crown marks. The registration and use of the Domain Name result in a disruption to the Complainant's business, causing confusion among the public regarding the origin and association of the Respondent's website and the products/services it offers. According to the Complainant, this could lead to confusion for Internet users seeking access to the Complainant's website, potentially causing them to be misdirected to the Respondent's website instead.
- vi. The Complainant contends that the Respondent has previously participated in trademark-abusive registrations. The Complainant points out that the Respondent was involved in another dispute over a different domain name, even though it was registered under a distinct name. Notably, when the Complainant approached both respondents, they received identical service quotes from the owner of both websites.

B. Respondent

- i. The Respondent did not reply to the Complainant's contentions.

5. Findings

It is a consensus view among UDRP panelists that “[a] respondent's default does not automatically result in a decision in favor of the complainant... [T]he complainant must establish each of the three elements required by paragraph 4(a) of the UDRP.”¹ A panel may draw inferences from a respondent's default.²

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.

¹ Paragraph 4.2., WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”)

² Paragraph 4.3., WIPO Overview 3.0.

A) Identical / Confusingly Similar

To satisfy the first UDRP element, a domain name must be “identical or confusingly similar” to a trademark, in which a complainant has rights.

The Complainant has established its rights to the CROWN RELOCATIONS trademarks by submitting copies of CROWN RELOCATIONS trademark registrations. Pursuant to section 1.2.1 of the WIPO Overview 3.0, “[w]here the complainant holds a nationally or regionally registered trademark or service mark, this *prima facie* satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case”. Therefore, the Complainant satisfied the UDRP standing requirement.

Where 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.”³ It is well-established, that the applicable gTLD should be disregarded under the confusingly similarity test as a standard registration requirement.⁴

Here, the Domain Name consists of the words “crown” and “relo”, and the gTLD “.co”. The word “relo” is a commonly used abbreviation of the word “relocation”. Therefore, the Complainant’s CROWN RELOCATIONS trademark is recognizable within the Domain Name. The gTLD “.net” is disregarded from the assessment of confusing similarity as a standard registration requirement. Therefore, the Domain Name is confusingly similar to the Complainant’s CROWN RELOCATIONS trademark.

Thus, the first element of the UDRP has been satisfied.

B) Rights and Legitimate Interests

Under the second UDRP element, a complainant must make a *prima facie* case in respect of the lack of rights or legitimate interests of the respondent⁵.

Pursuant to paragraph 4(c) of the UDRP, the following may demonstrate rights or legitimate interests in the Domain Name:

- (i) before any notice of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or

³ Section 1.7, WIPO Overview 3.0.

⁴ Section 1.11.1, WIPO Overview 3.0.

⁵ Section 2.1, WIPO Overview 3.0.

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Based on the evidence submitted, the Panel finds the following:

First, the Complainant has not authorized or licensed the Respondent to use the Complainant's CROWN trademarks in any manner.

Second, the Respondent is not commonly known by the Domain Name, which supports finding of a lack of rights or legitimate interests.

Third, the Respondent's unauthorized use of the Complainant's CROWN RELOCATIONS trademark for a website designed to look like the Complainant's site, do not result in rights or legitimate interest of the Respondent, because the Respondent is trying to pass off its website as the Complainant's website or as a website affiliated with the Complainant. Passing off activities have been consistently held to demonstrate a lack of rights or legitimate interests under the UDRP⁶.

Based on the above, the Panel therefore, finds that the Complainant has made out the *prima facie* case and the burden of producing evidence demonstrating it has rights or legitimate interests in the Domain Name has shifted to the Respondent⁷. Since the Respondent failed to present any rebutting evidence, the Complainant is deemed to have satisfied the second element of the UDRP.⁸

C) Bad Faith

Pursuant to paragraph 4(a)(iii) of the Policy, the Complainant must prove that the Domain Name was registered and is being used in bad faith.

The UDRP establishes that, for purposes of paragraph 4(a)(iii), "bad faith" registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to respondent's website or other online location, by creating a likelihood of confusion with complainant's mark as to source, sponsorship, affiliation or endorsement of respondent's website or location, or of a product or service on respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: ...(ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name,...(vi) absence of any conceivable good faith use⁹".

⁶ Section 2.13, WIPO Overview 3.0.

⁷ Section 2.1, WIPO Overview 3.0.

⁸ *Id.*

⁹ Section 3.1.4, WIPO Overview 3.0.

Given the fact that the Respondent used the Domain Name in connection with the website that displayed the Complainant's CROWN RELOCATIONS mark to offer services that we similar to those of the Complainant, it is likely that the Respondent was aware of the Complainant's CROWN RELOCATIONS trademark at the time of the Domain Name registration and knew that its registration of the Domain Name would be identical or confusingly similar to the Complainant's mark.

The Respondent is using the Domain Name to direct to a website that prominently displays the Complainant's CROWN RELOCATIONS trademark to offer identical services, contained no information about the website owner, and refers to its business as "CROWN RELOCATIONS" in the quote for services obtained by the Complainant. Therefore, Panel finds that the circumstances of this case support finding that the Respondent registered the Domain Name to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with complainant's mark as to source, sponsorship, affiliation or endorsement of Respondent's website or location, or of a product or service on respondent's website or location.

Finally, the Panel finds that the Respondent registered and used the Domain Name in bad faith, because it is likely the Respondent has been engaged in a pattern of registering domain names preventing the Complainant from reflecting its CROWN and CROWN RELOCATIONS marks in corresponding domain names as contemplated in paragraph 4(b)(ii) of the UDRP. Prior UDRP panels have held that "establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registration", such as a situation where, like here, "a respondent, on separate occasions, has registered trademark-abusive domain names, even where directed at the same brand owner."¹⁰

The Complainant presented evidence that of two quotes for services received from owners of the Domain Name and a disputed domain name <crowrelo.in>, which was a subject of prior UDRP proceeding. Both documents display the Complainant's CROWN RELOCATIONS trademark, contain the same postal address in India for the owner of the domain names and the same tax registration number.

Based on the evidence presented, the Panel finds that the Domain Names were registered and are being used in bad faith. The Complainant has satisfied the third element of the UDRP.

6. Decision

Under paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <crowrelo.co> be transferred to the Complainant.


Olga Zalomiya
Panelist

Dated: February 1, 2024

¹⁰ Section 3.2.1, WIPO Overview 3.0.