



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401867
Complainant:	HongShan Capital (Hong Kong) Limited
Respondent:	DOMAIN ADMINISTRATOR
Disputed Domain Name(s):	<hongshanvalley.com>

1. The Parties and Contested Domain Name

The Complainant is HongShan Capital (Hong Kong) Limited, of Suite 3613, 36/F, Two Pacific Place, 88 Queensway, Hong Kong.

The Respondent is DOMAIN ADMINISTRATOR, of PO Box 701, San Mateo, California 94401, U.S.

The domain name at issue is <hongshanvalley.com>, registered by Respondent with Dynadot Inc, of 210 S Ellsworth Ave #345 San Mateo, CA, 94401 U.S.

2. Procedural History

On January 24, 2024, 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 January 25, 2024, 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 January 25, 2024, the HK Office also notified the Registrar of the Complaint by email.

On January 25, 2024, the Registrar replied to the HK Office informing the identity of the domain name Registrant. On February 2, 2024, 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 February 6, 2024, the Complainant submitted an amended Complaint to the HK Office. On February 8, 2024, the HK Office forwarded the amended Complaint to the Respondent. The due date of the Response was February 28, 2024.

On February 29, 2024, the HK Office informed the Respondent of its default. On February 29, 2024, 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.

The Registrar confirmed that the Registration Agreement of the disputed domain name is in English.

3. Factual background

The Complainant, HongShan Capital (Hong Kong) Limited (formerly known as Sequoia Capital China (Hong Kong) Limited), was established on June 22, 2022, and is an affiliated company of HongShan in Hong Kong.

HongShan is a Chinese venture capital firm founded in 2005. It was previously the China investment arm of Sequoia Capital and was known as Sequoia China before it was rebranded and spun-off as a separate entity. HongShan is headquartered in Beijing with additional offices in Hong Kong, Shanghai and Shenzhen. The official website of HongShan is located at www.hongshan.com.

Sequoia Capital (“Sequoia”) is an American venture capital firm headquartered in Menlo Park, California which specializes in seed stage, early stage, and growth stage investments in private companies across technology sectors. As of 2022, Sequoia had approximately US\$85 billion in assets under management. Sequoia is an umbrella brand for three different venture entities: one focused on the U.S. and Europe, another on India and Southeast Asia, and a third on China. Notable successful investments made by Sequoia include Apple, Cisco, Google, NVIDIA, YouTube, Instagram, LinkedIn, PayPal, Reddit, Tumblr, WhatsApp, and Zoom.

Sequoia Capital Operations, LLC owns various “HONG SHAN” marks including variations in Chinese, and “HongShan Valley” in China and Hong Kong. The Complainant has been the exclusive licensee in Hong Kong and China of the various HONG SHAN marks including the following:

- China trademark registration Nos. 72306732, 72308955, 72305044, 72325903, and 72310460 filed on June 19, 2023 for HONGSHAN VALLEY, in classes 35, 36, 38, 41 and 42;
- Hong Kong trademark registration No. 306249961 for HONG SHAN, filed on May 23, 2023 in classes 35, 36, 38, 41 and 42;
- Hong Kong trademark registration No. 306253344 for HONGSHAN, filed on May 26, 2023 in classes 35, 36, 38, 41 and 42;
- Hong Kong trademark registration No. 306251652 for 紅杉 HONGSHAN, filed on May 24, 2023 in classes 35, 36, 38, 41, and 42;
- Hong Kong trademark registration No. 306251670 for HONG SHAN CAPITAL, filed on May 24, 2023 in classes 35, 36, 38, 41, and 42.

The Complainant is authorised by Sequoia Capital Operations, LLC to initiate trademark enforcement proceedings, including domain name dispute complaints, in its own name.

The Complainant registered its domain name <hongshan.com> on June 22, 2004.

The disputed domain name was registered on 21 June 2023.

In early June 2023, Sequoia announced plans to break up into three entities. Following the separation, to be completed by March 2024, the Chinese business is to be called HongShan (“Sequoia” in Mandarin).

The Complainant states that before the registration date of the disputed domain name, many media outlets had reported on the separation of Sequoia, as well as the new brand name “HongShan” that Sequoia China would use. This news attracted great attention and discussions in the capital finance circle.

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 registered HONG SHAN trade marks in which it has rights.
- 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 “Hong Shan”. The Respondent is not affiliated in any way with the Complainant or Sequoia Capital. The Respondent has never been authorized by the Complainant or Sequoia Capital to use the HONG SHAN / HONGSHAN or HONGSHAN VALLEY trade marks or in a domain name.
- iii. The disputed domain name has been registered and is being used in bad faith. The disputed domain name registration has prevented the Complainant from reflecting the trade mark HONGSHAN VALLEY in a corresponding domain name, which affects its business operations. The disputed domain name was registered after the Complainant’s HONG SHAN trade marks had already achieved a high level of publicity and news attention. At the time of the filing of the Complaint, the Respondent had listed the disputed domain name for sale for USD29,999 on dan.com. The Respondent clearly knew or should have known of the Complainant’s business and HONG SHAN mark when it registered the disputed domain name. The registration of a famous trade mark by any entity which has no relationship to the trade mark, is itself evidence of bad faith registration and use. The Respondent’s name on record does not appear to be the genuine name of a natural person or business entity. A reverse WhoIs search shows the Respondent’s email address associated with a significant number of domain name registrations.

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 / Confusingly Similar

The Complainant has shown it has the rights to the HONG SHAN, HONGSHAN and HONG SHAN VALLEY trade marks through registration. The disputed domain name <hongshanvalley.com> comprises the Complainant's HONGSHAN VALLEY trade mark in its entirety.

Alternatively, it could be said to be composed of the entirety of the HONG SHAN/HONGSHAN trade mark with the addition of the term "valley" and the generic Top-Level Domain ("gTLD") ".com". The addition of the term "valley" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's HONG SHAN/HONGSHAN trade mark. (See Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0".)) The gTLD is irrelevant to the consideration of the issue of identity or confusing similarity as it is a standard registration requirement.

The Panel therefore finds that the disputed domain name is identical to the Complainant's HONG SHAN VALLEY mark, and confusingly similar to its HONG SHAN/HONGSHAN 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 HONG SHAN/ HONGSHAN VALLEY trade marks. 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 it has obtained any trademark rights in HONGSHAN VALLEY or is commonly known by the disputed domain name.

The Panel therefore concludes 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 Panel is persuaded in the circumstances of this case that the disputed domain name was registered and is being used in bad faith. There are several indicators of bad faith by the Respondent:

1. The Respondent registered the disputed domain name after the various HONG SHAN trade marks were applied for, and after the wide publicity relating to Sequoia China and the HONG SHAN brand name. The timing of the registration of the disputed domain name is very close to the announcement of the restructuring of Sequoia Capital (and the emergence of the Complainant) and cannot be purely coincidental. It is more likely than not that the disputed domain name was registered in response to the restructuring, and indicates that the Respondent was well aware of the Complainant and its trade marks, and sought to capitalize on it by registering the disputed domain name.
2. The Complainant provided evidence that, at the time of filing the Complaint, the disputed domain name resolved to a Dan.com webpage where it was listed for sale for USD\$29,999.
3. The Panel also notes that the disputed domain name was registered while omitting the Respondent's details, most prominently, the Respondent's name, which was given as "DOMAIN ADMINISTRATOR".
4. The Respondent has no known affiliation with the name comprised in the disputed domain name and did not explain its choice of the disputed domain name.

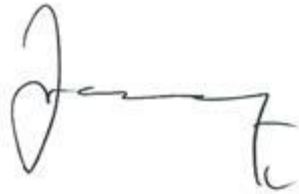
Having considered the totality of the evidence presented including the distinctive character of the Complainant's trade marks, the Panel is persuaded that the Respondent was well aware of the Complainant and its business and targeted the Complainant when it registered the disputed domain name. The Panel concludes that the Respondent incorporated the Complainant's HONG SHAN/ HONGSHAN VALLEY mark in the disputed domain name with the intention of selling the disputed domain name for commercial gain "for valuable consideration in excess of [its] documented out-of-pocket costs directly related to the domain name", and that it "registered the domain name in order to prevent the owner of the trademark ... from reflecting the mark in a corresponding domain name" and there has been a pattern of such conduct. (Paragraphs 4(b)(i) and (ii) of the Policy).

The Respondent did not submit a Response, from which the Panel draws a negative inference. In the absence of any Response or evidence to the contrary, the Panel therefore concludes that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(a)(iii) of the Policy is therefore 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 <hongshanvalley.com> be transferred to the Complainant.

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

Francine Tan
Sole Panelist

Dated: March 7, 2024