

**Asian Domain Name Dispute Resolution Centre**

**Hong Kong Office**

**ADMINISTRATIVE PANEL DECISION**

---

**Case No. HK-2401891**

**Complainant: Ruijie Networks Co., Ltd**

**Respondent: stayka oled**

**Disputed Domain Name: <ruijiemaroc.com>**

---

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

The Complainant is Ruijie Networks Co., Ltd, of Building 19, Juyuanzhou Industrial Park, No. 618 Jinshan Avenue, Cangshan District, Fuzhou City, Fujian Province, China. The Complainant is represented by Zhang Lei of Chofn Intellectual Property, 1217 12 the Floor, No 68 West Road of North Fourth Ring, Haidian, Beijing, 100081.

The Respondent is stayka oled, of Maroc.

The domain name at issue is <ruijiemaroc.com>, registered by Respondent with NameCheap, Inc of 4600 East Washington Street, Suite 305, Phoenix, AZ 85034, USA.

**2. Procedural History**

Complainant via its Authorized Representative submitted a Complaint to The Asian Domain Name Dispute Resolution Centre (Hong Kong Office) ("ADNDRC") electronically on May 15, 2024 and ADNDRC acknowledged receipt on May 16, 2024.

Also on May 16, 2024, ADNDRC informed the Registrar of the domain name, NameCheap Inc., that the Complaint had been received. On May 28, 2024, the Registrar informed ADNDRC that (a) it is the Registrar of the domain name; (b) it was providing contact details of the Registrant, namely the Respondent; (c) the Uniform Domain Name Dispute Resolution Policy ("the Policy") applied to the disputed domain name; (d) the registration agreement was in the English language; (e) that the domain name had been registered on September 9, 2023 with a date of expiration of September 9, 2024; and (f) that the domain name had been locked.

On May 28, 2024, ADNDRC informed the Complainant's Authorized Representative of deficiencies in the Complaint concerning the details of the Registrant of the domain name and advised that the deficiencies should be rectified by June 2, 2024. On June 4, 2024, ADNDRC again requested that the deficiencies should be rectified. On June 4, 2024, the aforesaid Authorized Representative informed ADNDRC that the deficiencies were rectified by means of an Amended Complaint that it supplied, whereupon ADNDRC informed the

Authorized Representative that the Complaint was now in administrative compliance with the Policy and the ICANN Rules for the Policy (“the Rules”).

On June 5, 2024, ADNDRC served the Complaint and all Annexes, including a Written Notice of the Complaint, setting a deadline of June 25, 2024 by which Respondent should file a Response to the Complaint, via e-mail to all entities and persons listed on Respondent’s registration as technical, administrative, and billing contacts, and to postmaster@ruijiemaroc.com. Also on June 5, 2024, the Complaint and its annexes were transmitted to the Respondent by email, and to all entities and persons listed on Respondent’s registration as technical, administrative and billing contacts.

Having received no response from the Respondent, ADNDRC transmitted to the parties a Notification of Respondent in Default on June 26, 2024. Also on June 26, 2024, and pursuant to Complainant's request to have the dispute decided by a single-member Panel, ADNDRC appointed The Honourable Neil Anthony Brown KC as Panelist.

Having reviewed the communications records, the Administrative Panel (“the Panel”) finds that ADNDRC has discharged its responsibility under Paragraph 2(a) of the Rules. Therefore, the Panel may issue its decision based on the documents submitted and in accordance with the UDRP Policy, the UDRP Rules, the ADNDRC Supplemental Rules and any rules and principles of law that the Panel deems applicable, without the benefit of any response from Respondent.

### **3. Factual Background**

The Complainant is a prominent Chinese company that is a leading ICT infrastructure and industry solutions provider. It has trademark rights in a series of registered trademarks for RUIJIE. The Respondent has registered the domain name <ruijiemaroc.com> which it has caused to resolve to a website that seeks to impersonate the Complainant and to offer for sale products that purport to be the Complainant’s RUIJIE products. The Complainant is concerned that the domain name and its use have disparaged the Complainant and its name and trademark and that its registration and use are in breach of the Policy. The Complainant has therefore brought this Complaint under the Policy and seeks to have the domain name transferred to itself.

### **4. Parties’ Contentions**

#### **A. Complainant**

1. The Complainant is a company in China where it is a leading ICT infrastructure and industry solutions provider whose main business is the research, development, design and sales of network equipment, network security products and cloud desktop solutions.
2. It is a large and successful company, operating in China and internationally and its name and trademark are well-known.

3. The Complainant offers its goods and services under its well-known and famous RUIJIE trademarks.
4. In particular, the evidence will establish that Complainant has acquired trademark rights in the RUIJIE trademark by virtue of its registration of, *inter alia*, the following trademarks:
  - (a) the trademark for RUIJIE registered by the Trade Marks Registry Intellectual Property Department of the Government of the Hong Kong Special Administrative Region, Registration Number 302672875, registered on July 16, 2013;
  - (b) the trademark for RUIJIE registered by the World Intellectual Property Organisation, in the International Register of Marks maintained under the Madrid Agreement and Protocol, Registration Number 1,756,227, registered on July 28, 2023;
  - (c) the trademark for RUIJIE registered by the European Union Intellectual Property Office, Registration Number 015682081, registered on November 14, 2016;
  - (d) the trademark for RUIJIE registered by the United States Patent and Trademark Office (“USPTO”), Registration Number 5,717,951, registered on April 2, 2019;
  - (e) and other trademark registrations for RUIJIE, domestic and international and derivatives thereof;  
(collectively “the RUIJIE trademark”).
5. Complainant has used the RUIJIE trademark since its registration to offer its goods and services.
6. The RUIJIE trademark has attracted substantial goodwill and is uniquely associated with Complainant’s goods and services.
7. As well as the RUIJIE trademark, the Complainant has registered the domain name <ruijienetworks.com> which it uses in its business and in particular for its website at <https://www.ruijienetworks.com> where it markets its products under the RUIJIE trademark and brand.
8. The Respondent registered the <ruijiemarc.com> domain name on September 25, 2023 (“the disputed domain name”).
9. The Complainant had acquired all of its trademark rights in the RUIJIE trademark prior to the registration by the Respondent of the disputed domain name.
10. The disputed domain name embodies, without the consent of the Complainant, the entirety of the RUIJIE trademark, the word “maroc” being a geographic indicator and the generic Top Level Domain “.com”.
11. The disputed domain name is therefore confusingly similar to the RUIJIE trademark as it invokes the trademark and as the addition of the word “maroc” and the generic Top Level Domain “.com” cannot negate a finding of confusing similarity between the domain name and the RUIJIE trademark which is otherwise established by the evidence, as it is in this proceeding.
12. The Respondent has no rights or legitimate interests in the disputed domain name. That is so because the evidence will establish that:

- (a) the disputed domain name impersonates or suggests sponsorship or endorsement of the domain name by the Complainant as the owner of the RUIJIE trademark;
  - (b) the Respondent has no trademark rights in the RUIJIE or any similar trademark;
  - (c) the Complainant has not given the Respondent any license, permission or authority to use its RUIJIE trademark or any similar mark in a domain name or in any other manner;
  - (d) the Respondent has not used the domain name or made any demonstrable preparations to use the domain name in connection with a *bona fide* offering of goods or services within the meaning of Policy ¶4(c)(i);
  - (e) the Respondent is not commonly known by the disputed domain name within the meaning of Policy ¶4(c)(ii);
  - (f) the Respondent is not making a legitimate non-commercial or fair use of the domain name, within the meaning of Policy ¶4(c)(iii); and that
  - (g) the evidence will show that there is no conceivable ground on which it could be said that the Respondent has a right or legitimate interest in the disputed domain name.
13. The Respondent has registered and is using the disputed domain name in bad faith. That is so because the evidence will establish that:
- (a) the Respondent registered the disputed domain name on September 25, 2023, by which time the Complainant had established its rights in the RUIJIE trademark;
  - (b) the Respondent had actual knowledge of the Complainant and its name, trademark and brand when it registered the disputed domain name and that it retained such knowledge at all times when it used the domain name;
  - (c) the Respondent has caused the disputed domain name to resolve to a website displaying and purporting to sell the Complainant's RUIJIE branded products and containing a profile of the Complainant that is identical to that appearing on the official website of the Complainant at <https://fr.ruijienetworks.com/about>;
  - (d) the aforesaid website makes frequent use of the RUIJIE trademark;
  - (e) the Respondent has caused the domain name to be used to imitate the RUIJIE trademark and has thereby attempted to attract internet users to its website by creating confusion within the meaning of Policy ¶4(b)(iv); and that
  - (f) the entirety of the Respondent's conduct shows that it registered and used the disputed domain name in bad faith.
14. The evidence will show that the Complainant has made out all of the constituent elements of the Policy and that it is therefore entitled to the relief that it seeks.

## **B. Respondent**

Respondent failed to submit a Response in this proceeding.

## **5. FINDINGS**

1. The Complainant is a company in China where it is a leading ICT infra structure and industry solutions provider whose main business is the research, development, design and sales of network equipment, network security products and cloud desktop solutions.

2. The evidence has established that that the Complainant has acquired trademark rights in the RUIJIE trademark by virtue of its registration.of, *inter alai*, the following trademarks:
  - (a) the trademark for RUIJIE registered by the Trade Marks Registry Intellectual Property Department of the Government of the Hong Kong Special Administrative Region , Registration Number 302672875, registered on July 16, 2013;
  - (b) the trademark for RUIJIE registered by the World Intellectual Property Organisation, in the International Register of Marks maintained under the Madrid Agreement and Protocol, Registration Number 1,756,227, registered on July 28, 2023;
  - (c) the trademark for RUIJIE registered by The European Union Intellectual Property Office, Registration Number 015682081, registered on November 14, 2016;
  - (d) the trademark for RUIJIE registered by the United States Patent and Trademark Office (“USPTO”), Registration Number 5,717,951, registered on April 2, 2019; and
  - (e) and other trademark registrations for RUIJIE, domestic and international and derivatives thereof; (collectively “the RUIJIE trademark”).
3. The Respondent registered the <ruijiemaroc.com> domain name on September 25, 2023 (“the disputed domain name”).
4. The evidence has established that the disputed domain name is confusingly similar to the RUIJIE trademark, that the Respondent has no rights or legitimate interests in the disputed domain name and that the disputed domain name has been registered and used in bad faith.
5. The disputed domain name therefore should be transferred from the Respondent to the Complainant.

## DISCUSSION OF THE ISSUES

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy requires that Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by Respondent is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (2) Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

In view of Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to

accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. *See : eGalaxy Multimedia Inc. v. ON HOLD By Owner Ready To Expire*, FA 157287 (FORUM June 26, 2003) (“Because Complainant did not produce clear evidence to support its subjective allegations [ . . . ] the Panel finds it appropriate to dismiss the Complaint”).

### **Identical and/or Confusingly Similar**

The first question that arises is whether the Complainant has rights in a trademark or service mark on which it may rely.

The evidence has shown that the Complainant provides its goods and services under the trademark for RUIJIE and that it has done so since well prior to the registration by the Respondent of the disputed domain name on September 25, 2023. In particular, the evidence has established that the Complainant acquired trademark rights in the RUIJIE trademark by virtue of its registration of, *inter alai*, the following trademarks:

- (a) the trademark for RUIJIE registered by the Trade Marks Registry Intellectual Property Department of the Government of the Hong Kong Special Administrative Region , Registration Number 302672875, registered on July 16, 2013;
- (b) the trademark for RUIJIE registered by the World Intellectual Property Organisation, in the International Register of Marks maintained under the Madrid Agreement and Protocol, Registration Number 1,756,227, registered on July 28, 2023;
- (c) the trademark for RUIJIE registered by The European Union Intellectual Property Office, Registration Number 015682081, registered on November 14 , 2016;
- (d) the trademark for RUIJIE registered by the United States Patent and Trademark Office (“USPTO”) , Registration Number 5,717,951, registered on April 2, 2019; and
- (e) other trademark registrations for RUIJIE, domestic and international and derivatives thereof (collectively “the RUIJIE trademark”).

The Complainant has given evidence of those trademark registrations by means of exhibiting to the Complaint, in each case, registration certificates from the relevant authorities and other official records. The Panel has examined that material and finds it to be in order and to show that the Complainant and/or its predecessor-in-title had trademark rights in each of the constituent trademarks and, hence, in the RUIJIE trademark as defined.

The Complainant has therefore established that it has rights in a trademark giving it standing to bring this proceeding.

The next question that arises is whether the disputed domain name is identical or confusingly similar to the Complainant’s RUIJIE trademark. It is clearly not identical, as it contains, as well as the trademark, the word “maroc” to which reference will shortly be made. However, the domain name is confusingly similar to the trademark. That is so

because the domain name contains the entirety of the RUIJIE trademark, making it obviously similar to the trademark. The Respondent has added the word “maroc” after the word “ruijie” and the question therefore arises whether the domain name was not only similar, but confusingly similar, to the trademark because of the inclusion of the word “maroc” in the domain name. The Panel finds, on balance, that internet users would probably take the word “maroc” to signify Mali, meaning the nation of Mali. That is so because ADNDRC has obtained from the Registrar details of the full list of contacts assigned to the domain name and has provided them to the registrant of the domain name and the Panel. Those details state, *inter alia*: “Registrant/Admin/Tech/Billing country: “Mali” and that staya oled’s street is “Maroc”, its city is “maroc” and its State /Province is “Maroc/P”.

Of course, some internet users may take “maroc” to mean Morocco, because of the similar spelling of the words, but even if this were so, it would make no difference.

The Panel finds that internet users would probably take “maroc” to mean “Mali” for the reason given above. It has long been established that, all other things being equal, the addition of a geographic indicator such as “maroc”, cannot negate a finding of confusing similarity between a domain name and a trademark which is otherwise established on the evidence, as it is in this case. In other words, internet users would instantly assume that the domain name was related to RUIJIE because the word “ruijie” is the first and dominant word in the domain name and would then conclude that the domain name related to and was seeking to invoke the activities of the owner of the RUIJIE trademark in Mali.

Internet users would also conclude, as does the Panel, that the domain name was registered by the owner of the trademark itself, namely the Complainant, and/or that it was being used with the permission of the Complainant, neither of which is so, according to the evidence.

The Respondent has also added the generic Top Level Domain “.com” in the domain name, but it has been widely held by UDRP panels that this cannot negate a finding of confusing similarity because all domain names must have such an extension.

Thus, the Respondent on the plain wording of the domain name obviously knew what it was doing, aimed at the Complainant for its own purposes, wanted to invoke the RUIJIE trademark and therefore concocted a domain name that would further that endeavour. The effect is that internet users would read the domain name as clearly invoking the RUIJIE trademark, thus leading to confusion between the domain name and the trademark.

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant’s RUIJIE trademark within the meaning of Policy ¶ 4(a)(i).

The Complainant has thus made out the first of the three elements that it must establish.

### **Rights or Legitimate Interests**

It is now well established that the Complainant must first make a *prima facie* case that the Respondent lacks rights and legitimate interests in the disputed domain name under Policy ¶ 4(a)(ii) and that, if the *prima facie* case is made out, the burden then shifts to the Respondent to show that it does have such rights or legitimate interests. *See Advanced*

*International Marketing Corporation v. AA-1 Corp*, FA 780200 (FORUM Nov. 2, 2011) (finding that a complainant must offer some evidence to make its *prima facie* case and satisfy Policy ¶ 4(a)(ii)).

The Panel finds on the evidence that the Complainant has made out a *prima facie* case that arises from the following considerations, dealing with them in the order in which they have been articulated by the Complainant:

- (a) the disputed domain name impersonates or suggests sponsorship or endorsement of the domain name by the Complainant as the owner of the RUIJIE trademark; this has been made out on the evidence; the domain name includes the entirety of the trademark, with no change in its spelling and the trademark being placed at the beginning of the domain name, thus drawing particular attention to it, raising the inevitable impression in the mind of any objective observer that this domain name is a domain name of the Complainant and/or that it was being registered with the permission or approval of the Complainant and that it was created to deal with the activities of the Complainant, in Mali and as the trademark owner, neither of which is correct; the evidence is that the Respondent has not sponsored or endorsed the domain name;
- (b) the Respondent has no trademark rights in the RUIJIE or any similar trademark; this has been established by the evidence that the Complainant has carried out trademark searches which have revealed that the Respondent has no trademark rights in RUIJIES, making it more likely that it has no rights or legitimate interest in a domain name that includes the trademark and makes such a dominant use of it;
- (c) the Complainant has not given the Respondent any license, permission or authority to use its RUIJIE trademark or any similar mark in a domain name or in any other manner; this has clearly been established on the evidence, again showing that the Respondent has no right or legitimate interest in the domain name;
- (d) the Respondent has not used the domain name or made any demonstrable preparations to use the domain name in connection with a *bona fide* offering of goods or services within the meaning of Policy ¶4(c)(i); there is nothing *bona fide* in concocting a domain name, using it to give the false impression that it is an official domain name dealing with the activities of the Complainant under its trademark in Mali and using it to sell products that are the same or similar to the Complainant's products and claiming that they are in fact the Complainant's own products;
- (e) the Respondent is not commonly known by the disputed domain name within the meaning of Policy ¶4(c)(ii); there is no evidence that the Respondent is known by the domain name either commonly or in any other way and all the evidence shows that this is unlikely; the evidence is that the registrant of the domain name is "staya oled" and the presumption must be that that entity is known as Staya Oled and not as "ruijiemaroc.com"; this



again negates any suggestion that the registrant of the domain name is commonly known by the domain name itself, thus negating any possibility that the Respondent has any right or legitimate interest in the domain name itself;

- (f) the Respondent is not making a legitimate non-commercial or fair use of the domain name, within the meaning of Policy ¶4(c)(iii); there is nothing legitimate in the Respondent's registration and use of the domain name, which is illegitimate and not legitimate; the Respondent's *modus operandi* was clearly designed to make money by one means or another, which is itself commercial; and it was not in any sense fair; and
- (g) the evidence shows that there is no conceivable ground on which it could be said that the Respondent has a right or legitimate interest in the disputed domain name.

All of the grounds relied on by the Complainant have therefore clearly been made out on the evidence.

All of these matters go to make out the *prima facie* case against the Respondent.

As the Respondent has not filed a Response or attempted by any other means to rebut the *prima facie* case against it, the Panel finds that Respondent does not have a right or legitimate interest in the disputed domain name.

The Complainant has thus made out the second of the three elements that it must establish.

#### **Registration and Use in Bad Faith**

It is clear that to establish bad faith for the purposes of the Policy, the Complainant must show that the disputed domain name was both registered and used in bad faith. It is also clear that the criteria set out in Policy ¶ 4(b) are not exclusive but that UDRP proceedings may also rely on conduct that is bad faith within the generally accepted meaning of that expression.

The Complainant has submitted that the Respondent has registered and used the disputed domain name in bad faith on several grounds. The Panel finds that all of those grounds have been made out on the evidence, again taking them in the order in which the Complainant has raised them. In particular:

- (a) the Respondent registered the disputed domain name on September 25, 2023, by which time the Complainant had established its rights in the RUIJIE trademark; there can be no doubt that the Complainant has rights in the trademark and that it had them prior to the registration of the domain name; thus, the subsequent registration of the domain name was an infringement of those rights which is clearly bad faith; registering the domain name was an assertion by the Respondent that it had trademark rights in RUIJIE and was entitled to use it in a domain name, which is bad faith registration; using the domain name to purport to sell the Complainant's own trademarked products by means of the domain name is bad faith use;

- (b) the evidence shows that the Respondent had actual knowledge of the Complainant and its name, trademark and brand when it registered the disputed domain name and that it retained such knowledge at all times when it used the domain name; that must be so, as the Respondent clearly did not register the domain name on a whim or by accident or coincidence, but has taken the well-known RUIJIE trademark, spelt it correctly and used it in its domain name in a prominent position to sell the same or similar products as those of the Complainant;
- (c) the Respondent has caused the disputed domain name to resolve to a website displaying and purporting to sell the Complainant's RUIJIE branded products and containing a profile of the Complainant that is identical to that appearing on the official website of the Complainant at <https://fr.ruijienetworks.com/about>; this has been made out on the evidence; the evidence includes Annex 13 which purports on its own wording to be the website of "Ruijie Maroc", uses that expression several times, with "Ruijie" being printed in the same style and font as that used by the Complainant, uses the name "Ruijie Networks", uses numbering for the products advertised on the website such as from "RG-RAP 2260(G)" to "RG-NBR6205-E" which are similar to the Complainant's RG numbering of its own genuine products on its own website, uses illustrations of products for sale embossed with the word "Ruijie", makes frequent use of expressions such as "Ruijie a construit une experience...", contains contact information addresses such as [contact@ruijiemaroc.com](mailto:contact@ruijiemaroc.com) and generally has the same look and feel as the Complainant's own official website; all of this is clearly bad faith registration and use as it falsely pretends to be an official domain name leading to an official website of the Complainant, which they are not and which purport to offer allegedly genuine RUIJIE products which they also are not;
- (d) the aforesaid website makes frequent use of the RUIJIE trademark; this has been established on the evidence;
- (e) the Respondent has caused the domain name to be used to imitate the RUIJIE trademark and has thereby attempted to attract internet users to its website by creating confusion within the meaning of Policy ¶4(b)(iv); this has clearly been established, as the Respondent's website imitates the Complainant and its name, trademark and products as has just been seen and it is calculated to give the impression that the website is genuine; this conduct must have been calculated to cause confusion, as the Respondent clearly wanted internet users to think they have arrived at the official website of the Complainant, when they have not and that they can, via this website, officially and legitimately buy the Complainant's trademarked products from the Complainant, which they also cannot; and
- (f) the evidence has established that the entirety of the Respondent's conduct shows that it registered and used the disputed domain name in bad faith.

Finally, in addition to the specific provisions of the Policy and having regard to the totality of the evidence, the Panel finds that, in view of the Respondent's registration of the disputed domain name using the RUIJIE trademark and in view of the conduct that the Respondent has engaged in when using the domain name, the Respondent registered and used it in bad faith within the generally accepted meaning of that expression.

All of the forgoing matters show that the Respondent registered and used the disputed domain name in bad faith.

The Complainant has correctly cited numerous prior UDRP decisions that support its contentions on all the issues in analogous circumstances to those in the present proceeding.

The Complainant has therefore established all of the elements that it must show under the Policy and it is therefore entitled to the relief it seeks.

Complainant has established all of the elements that it must show under the Policy and is therefore entitled to the relief it seeks.

## 6. DECISION

Having established all three elements required under the ICANN Policy, the Panel concludes that relief shall be **GRANTED**.

Accordingly, it is Ordered that the <ruijiemaroc.com> domain name be **TRANSFERRED** from the Respondent to the Complainant.

---



The Honorable Neil Anthony Brown KC

Panelist

Dated: July 4, 2024