



Asian Domain Name Dispute Resolution Centre

hongkong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401909
Complainant:	Beijing Roborock Technology Co., Ltd.
Respondent:	Shuhao Lu
Disputed Domain Name(s):	<roborocksingapore.com> <roborockmalaysia.com>

1. The Parties and Contested Domain Name

1. The Complainant is Beijing Roborock Technology Co., Ltd. of 1001, 10/F, Building 3, No.17 Courtyard, Anju Road, Changping District, Beijing, China.
2. The Respondent is Shuhao Lu of 7 Gambas Crescent, #03-09, Singapore 757087.
3. The domain names at issue are <roborocksingapore.com> and <roborockmalaysia.com> registered by the Respondent with GoDaddy.com, LLC of 14455 North Hayden Rd. Suite 219 Scottsdale Arizona, USA.

2. Procedural History

4. The Complainant filed this complaint with the Asian Domain Name Dispute Resolution Centre (ADNDRC) (Hong Kong Office) (“Centre”) on 19 August 2024, pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), approved by ICANN Board of Directors on 28 September 2013 and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”) effective from 31 July 2015.
5. A copy of the Complaint was sent to the Respondent and the Registrar on 9 September 2024 (which was the date of commencement of the proceeding). The due date for the Respondent to submit a Response to the Complaint was 29 September 2024. The Respondent failed to file a response within the time limit and on 30 September 2024 the Centre issued a notification that the Respondent was in default.
6. On 2 October 2024, after confirming that he was able to act independently and impartially between the parties, the ADNDRC appointed Mr. David Allison as the Panellist in this matter.

7. It should be noted that the Respondent wrote to the Centre on two occasions (21 September 2024 and 5 October 2024) suggesting that they wished to/ had already deleted the content on the disputed domain name and therefore, there was no need to respond to the Complaint. The mere fact that a Respondent has unilaterally ‘taken down’ the content of a website associated with the disputed domain name is insufficient to dispose of a Complaint or to terminate these administrative proceedings. While genuine settlement prior to publication of a Panel’s Decision shall be grounds to terminate the administrative proceedings (see Art. 17 Rules), unilateral deletion of website content is neither evidence of a Settlement nor does it constitute a valid reason under the Rules to terminate the administrative proceedings. Accordingly, the Panel has decided that the Respondent’s unilateral deletion of website content is irrelevant for these proceedings and as such will now proceed to evaluate this matter in the ordinary way and in accordance with the Rules.

3. Factual background

8. The Complainant, Beijing Roborock Technology Co., Ltd. was established in 2014 and is a leading innovator in home robotics and appliances. In particular, the Complainant is well known in relation to the research, development, and production of home cleaning devices, particularly robotic, cordless, and wet/ dry vacuum cleaners.
9. The Complainant has also registered a large number of trademarks in numerous jurisdictions, including in the Peoples Republic of China, Malaysia, Singapore, Europe and other countries. In particular, the Complainant has the following relevant trademarks:

	Mark	Reg. No.	Jurisdiction	Class	Reg. Date
1.	ROBOROCK	2017073555	Malaysia	7	27/11/2017
2.	ROBOROCK	2019019685	Malaysia	9	31/05/2019
3.	ROBOROCK	IR1392428	Madrid IR designating several countries including Singapore	7	27/09/2017
4.	ROBOROCK	IR1488782	Madrid IR designating several countries including Singapore	9	08/08/2019
5.	ROBOROCK	IR1580853	Madrid IR designating several countries including Singapore and Malaysia	37	21/12/2020
6.	ROBOROCK	017298035	EUTM	7,9,35	17/10/2017

10. The Complainant also has an extensive domain name portfolio all of which prominently feature the “ROBOROCK” element. These include www.us.roborock.com and www.roborock.com.
11. The Respondent is an individual residing in Singapore. Despite failing to substantively respond to the Complaint, evidence supplied by the Complainant shows that the Respondent was the sole Director of a Singaporean Company, known as Alpha Ecommerce Pte Ltd

(Alpha). On 22 March 2024, Alpha entered into a Distribution Agreement with the Complainant for the purpose of distributing the Complainant's products in Singapore and Malaysia.

12. The Complainant claims that Distribution Agreement has subsequently been terminated and the terms of the Distribution Agreement makes clear that Alpha (and by extension the Respondent) have no rights to use the Complainant's trademarks in any way post-termination. No evidence has been submitted as to the actual date of termination of the Distribution Agreement but in the absence of any indication to the contrary from the Respondent, the Panel accepts the Complainant's claim that the Distribution Agreement has been terminated prior to the filing of this Complaint.
13. Evidence supplied by the Complainant also shows that the Respondent has until recently continued to use the disputed domain names to advertise the sale and distribution of the Complainant's products and to direct users of the websites to the Respondent's own Facebook pages.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name is confusingly similar to the trademarks owned by the Complainant;
- ii. The Respondent has no rights or interests in the disputed domain name since the Respondent is in no way associated or affiliated with the Complainant; and
- iii. The disputed domain name has been registered and is being used in bad faith in particular by using the Complainant's marks and logos without any statement as to the ownership of these marks in order to create an impression in the mind of consumers that the Respondent is affiliated with the Complainant.

B. Respondent

The Respondent has not filed any response to the Complaint.

5. Findings

14. 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

15. The Complainant has adduced a large quantity of relevant evidence to show that it has clear rights in the “ROBOROCK” trademarks, particularly in relation to robotic household appliances.
16. The Complainant’s marks and the disputed domain name are confusingly similar in respect of their key elements – ie “ROBOROCK”. The disputed domain name also has an additional element (ie SINGAPORE or MALAYSIA respectively) but this does nothing to reduce the confusing similarity between the Complainant’s marks and the disputed domain name. It has been accepted in a long line of decisions that the mere addition of a geographic modifier does nothing to reduce confusing similarity where the core element of the compared marks/ domain names are identical. As such, the elements SINGAPORE and MALAYSIA are to be ignored when comparing the Complainant’s marks and the disputed domain names.
17. When comparing the dominant and distinctive element of the Disputed Domain Name and the Complainant’s trademarks, it is clear that they are confusingly similar. As such, the Complainant has made out the first element.

B) Rights and Legitimate Interests

18. The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain names. As noted above, the Complainant has provided evidence of a prior business relationship between the parties but which has now been terminated. Further, the plain wording of the Distribution Agreement makes clear that the Respondent shall have no rights to the Claimants trademarks post-termination.
19. This evidence provides a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names. Further, the failure of the Respondent to file a response to the Complaint but merely delete the content of the disputed domain names does nothing to counter the Complainant’s arguments.
20. Accordingly, it is held that the Respondent has no legitimate rights or interests in the Disputed Domain Name and therefore, the second element is made out.

C) Bad Faith

21. To establish the third element, the Complainant must establish that the Respondent both registered and is using the disputed domain name in bad faith. Bad faith may be established if UDRP paragraph 4(b)(iv) is satisfied, namely that “...*by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website...by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your web site ...or a product or service on your website*”
22. As discussed above, the evidence presented by the Complainant makes it clear that the parties had previously entered into a commercial relationship but that the Respondent has

continued to use the disputed domain names post-termination. The evidence further showed that the content of the websites attached to the disputed domain names continued to display the Complainant's marks and logos suggesting a continued relationship where there was in fact none. Finally, the websites feature links to the Respondent's Facebook page which the Complainant has alleged constitutes clear evidence of the Respondent attempting to attract viewers to its own sites for commercial gain.

23. Such use by the Respondent, particularly in the face of the prior relationship between the parties and the clear rights delineated under the Distribution Agreement suggest bad faith in accordance with the definition under UDRP paragraph 4(b)(iv). As such, the Panel concludes that the third element is made out.

6. Decision

24. The Panel finds that the Complainant has satisfied all three elements of UDRP paragraph 4(a). Accordingly, the Panel orders that the disputed domain names <roborocksingapore.com> and <roborockmalaysia.com> be transferred to the Complainant.

David Allison

David Allison
Panellist

Dated: 12 October 2024