



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401914
Complainant:	Ecovacs Robotics Co., Ltd.
Respondent:	zhao lian fa
Disputed Domain Name(s):	ecovacs9.com

1. The Parties and Contested Domain Name

The Complainant is Ecovacs Robotics Co., Ltd., of 108 Shihu West Rd, Wuzhong District, Suzhou City, Jiangsu Province, China.

The Respondent is zhao lian fa, of CN Shaanxi yan an fu xian fu shan lu 990 hao.

The domain name at issue is ecovacs9.com, registered by Respondent with Gname.com Pte. Ltd., of 6 Battery Road, #29-02/03, Singapore.

2. Procedural History

The dispute domain ecovacs9.com was initiated by Chofn Intellectual Property on 21st August 2024 which was instructed by the Complainant Ecovacs Robotics Co., Ltd. The Complaint Case was filed by ADNDRC on the same day (21st August 2024).

An email has been sent to the Respondent on 3rd September 2024 regarding the dispute domain ecovacs9.com and has not received any response from the Respondent before the due date 23rd September 2024.

Mr. Eric Chen was appointed as Panelist by ADNDRC on 24th September 2024, and the Panelist has withdrawn the role as the Panelist of the captioned case on 26th September 2024.

Dr Joseph Leung was appointed as Panelist by ADNDRC on 26th September for the captioned case and the decision would be made by the Panelist on 10th October 2024.

3. Factual background

Background information of the Complainant:

Ecovacs Robotics Co., Ltd. was established in 1998 and is one of the world's largest manufacturers of cleaning appliances, such as home service robots. The Complainant has filed trademark applications in advance with trademark offices in those countries that has frequent business activities to protect the ECOVACS brand. The following trademark have been successfully registered long before the registration of the Disputed Domain Name :

- Singapore Registration Number T1006570C for ECOVACS, effective date is November 16, 2012, designating goods and services in international classes 7 and 11.
- Indonesia Registration Number IDM000838354 for ECOVACS, effective date is March 24, 2021, designating goods and services in international classes 9.
- Indonesia Registration Number IDM000978526 for ECOVACS, effective date is July 20, 2022, designating goods and services in international classes 21.

ECOVACS robotics are now being used in over 145 countries and regions around the world, and have been widely recognized by consumers and the market.

Background information of the Respondent:

The Respondent zhao lian fa has registered disputed domain name ecovacs9.com through registrar Gname.com Pte. Ltd on 20th July 2024.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant has successfully filed ECOVACS robotics trademark applications in various countries and the product is now being used in over 145 countries and regions around the world, the market share has grown into the worldwide market leader
- ii. The disputed domain name contains all or at least one of the main features of the Complainant's ECOVACS trademark which is likely to cause confusion
- iii. The Respondent does not own any trademark rights in the name of ECOVACS
- iv. The Respondent was aware of the existence of the Complainant's ECOVACS trademark prior to the registration of the disputed domain name
- v. The Complainant has received feedback from their users that the Disputed Domain Name has been created with a webpage that obtaining sensitive or confidential personal information about Complainant's actual or prospective customers, that constitutes evidence of both bad faith registration and bad faith use
- vi. The Complainant believes the disputed domain name has created confusion to the customer and has malicious intent in the registration and the use of the disputed domain name.
- vii. The behaviour of the Respondent has violated the legal rights of the Complainant.

B. Respondent

The Respondent did not file a Response to the Complaint.

5. Findings

Preliminary Issue

According to paragraph 11(a) of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

In this case, the language of the Registration Agreement for the disputed domain name is Chinese. The Complainant filed its Complaint in English and requested that English be the language for the proceeding regarding the registration page in English. The Respondent did not respond to the language issue.

In accordance with paragraph 11(a) of the Rules, the Panel hereby determines that the language of the proceeding shall be in English, after considering the following circumstances:

- i. The disputed domain name is English
- ii. The Complaint was filed in English
- iii. The Respondent did not object to the proceeding continuing in English
- iv. The Respondent did not make any submissions with respect to the language of the proceeding

Substantive Issues

Under the UDRP Policy, the Complainant has prior rights in the ECOVACS trademark, the disputed domain name `ecovacs9.com` has completely contained the Complainant's ECOVACS trademark, which is likely to create confusion to customers.

The Respondent has no trademark or name rights in ECOVACS.

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

The disputed domain name is identical or confusingly similar to the Complainant's registered trademark, which contains all or at least one of the main features of the Complainant's ECOVACS trademark which likely cause confusion.

B) Rights and Legitimate Interests

The Respondent has created a webpage with ecovacs9.com for the purpose of collecting sensitive or confidential personal information of the Ecovac's actual or prospective customers (**Annex 13 Feedback from scammed people and a screenshot of the webpage the disputed domain name use to point to**).

The Respondent does not have business relationship with the Complainant, neither distributor nor partner, and has never been authorized by the Complainant to use the trademarks ECOVACS and the corresponding domain names in any form.

The Complainant has conducted searches on national and regional trademark databases in the name of Respondent and could not locate any related information.

C) Bad Faith

It was found that the Respondent should have known the Complainant's trademark, according to the Panelist's finding, the Respondent was aware of the Complainant's ECOVACS trademark prior to the registration of the domain name. With reference to Annex 14 WIPO Case No. D2014-1693, panels found that knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith.

The Respondent has created a webpage with disputed domain name to collect sensitive or confidential personal information of the Complainant's actual or prospective customers, that intentionally attempt to attract for commercial gain, which constitutes evidence of both bad faith registration and bad faith use.

6. Decision

The disputed domain name ecovacs9.com should be transferred to the Complainant and the language of the proceeding shall be in English.



Dr Joseph Leung
Panelist

Dated: 10th October 2024