



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK 2401921
Complainants:	Lumi United Technology Co., Ltd and AQARA, LLC
Respondent:	Wei Huang
Disputed Domain Name(s):	<aqarahome.com>

1. The Parties and Contested Domain Name

The Complainant 1 is Lumi United Technology Co., Ltd., domiciled Room 801-804, Building 1, Chongwen Park, Nanshan iPark, No.3370, Liuxian Avenue, Fuguang Community, Taoyuan Residential District, Nanshan District, Shenzhen, China.

The Complainant 2 is AQARA, LLC, domiciled 3207 Walker Mill Dr. Cottonwood Heights, UT 84121, USA.

The domain name at issue is <aqarahome.com> registered by Wei Huang with GoDaddy.com, LLC, of hailingqu, Taizhou, jiangsu, CN, on April 13, 2023.

2. Procedural History

On September 9, 2024, the Complainant submitted a Uniform Domain Name Dispute Resolution Policy (“the Policy”) complaint to the Asian Domain Name Dispute Resolution Centre – Hong Kong Office (“ADNDRC”).

On September 10, 2024, the ADNDRC transmitted by email to the, GoDaddy, LLC, a request for registrar verification in connection with the Disputed Domain Name. On September 11, 2024, the Registrar transmitted by email to the ADNDRC its verification response, stating that the Respondent, wei huang, is the holder of the domain name <aqarahome.com> and that the language of the registration agreement is English.

An amended complaint was filed on September 23, 2024.

On September 23, 2024, the ADNDRC confirmed by email that the Complaint is in administrative compliance with the Policy and Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”).

On September 27, 2024, the ADNDRC sent a Written Notice of Complaint to the Respondent, requesting that the Respondent submit its Response within 20 calendar days. The Notice specified the due date for the Response as being on or before October 17, 2024.

On October 21, 2024, the ADNDRC confirmed in an email to the parties that it had not received a Response from the Respondent within the required period of time.

On October 21, 2024, the ADNDRC notified the parties of the confirmation of the panelist, Ms Marie-Emmanuelle HAAS.

In its complaint, the Complainants confirmed that no legal proceedings have been commenced or terminated by the parties in connection with or relating to the domain name <aqarahome.com> (the “Disputed Domain Name”).

3. Factual background

Established in 2009, Lumi United Technology Co., Ltd. (Complainant 1) is a leading smart home solution supplier which specializes in the design and development of intelligent hardware and software solutions for smart home and corporate applications. AQARA, LLC (Complainant 2) is a subsidiary of Lumi United Technology Co., Ltd. in the United States.

Complainant 1 created its own brand, AQARA, in 2014, and its products include various types of sensors for temperature, humidity, doors and windows, human body, flooding, smoke, gas, light and sleep, and various types of smart controllers for smart switches, sockets, curtain motors, air-conditioning controllers, dimmers, door locks, etc., as well as an automation control and big data analytics platform to support industry applications.

After 10 years of development, AQARA has become a leading brand in the field of smart home, Up to now, there are more than 800 authorized stores in China alone, with more than 36 million activated devices and more than 11 million service users worldwide.

Complainants’ globalization strategy has covered every continent in the world. Complainants have opened Amazon stores in the United States, Canada, the United Kingdom, France, Italy, Spain and other countries, all of which have achieved remarkable sales

Complainants have prior rights in the AQARA trademark.

Complainant 1 is the owner of the following trademarks, which were registered long before the registration of the Disputed Domain Name:

- Canadian trademark No. TMA1095053 AQARA, registered on March 8, 2021, designating goods and services in international classes 7, 9, 11, 20, 35, 42
- Madrid Registration No. 1400838 AQARA, registered on September 18, 2017, designating goods and services in international classes 7, 20.

Complainant 2 is the owner of the following trademarks, which were registered long before the registration of the Disputed Domain Name:

- American trademark No. 5639362 AQARA, registered on December 25, 2018, designating goods and services in international classes 11.

- American trademark No. 5863643 AQARA, registered on September 17, 2019, designating goods and services in international classes 35.

The Disputed Domain Name was registered on April 13, 2023, using a privacy service. It is offered for sale on the Registrar's website.

No information on the Respondent is available.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows.

i. Confusing similarity

AQARA is a combination of the Latin words "Acutulus" (intelligence) and "Ara" (home). It is a unique word created by the Complainant through his mental labor and has acquired a high degree of distinctiveness through the Complainant's extensive publicity and use.

"Home" is a common and descriptive term added to the AQARA trademark.

The Disputed Domain Name <aqarahome.com> completely contains the AQARA trademark. According to Article 1.8 of the WIPO Jurisprudential Overview 3.0: Where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

The Complainant believes that the Disputed Domain Name can easily lead to consumer confusion.

ii. Absence of right or legitimate interest

The Complainant notes that for Respondent to prove that it has a legitimate interest in the Disputed Domain Name, it may rely on the following three points:

(i) before any notice to it 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 has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(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.

In this case, the Disputed Domain Name is being offered for public sale on a domain name trading platform, which indicates that the Respondent has registered the Disputed Domain Name for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name.

Complainants have never directly or indirectly authorized the Respondent to use the AQARA trademark and the corresponding domain name in any form.

In summary, in either case, the Respondent does not have any rights or legitimate interest in the domain name.

iii. Bad faith registration and use

The Disputed Domain Name was applied for on April 13, 2023, when the AQARA brand had already achieved a high level of global recognition. The Respondent was aware of the existence of the Complainant's AQARA trademark prior to the registration of the domain name.

The AQARA trademark has acquired a high level of popularity due to its extensive use and to the fact that the AQARA trademark itself does not correspond to any word in common use in Latin, English or any other language.

Adding the dictionary word "Home" implies the Complainant's business because the word home frequently appears on websites in the smart home, furniture and decorating industries, among others.

The fact that the Disputed Domain Name is identical or confusingly similar to a term in which the Complainant has rights precludes the possibility that a third party might by chance choose a domain name that is identical or confusingly similar to a term in which the Complainant has rights. It is for this reason that the Complainant is ultimately satisfied that, at the time of registration of the Disputed Domain Name, the Respondent was aware of the Complainant's prior rights in the trademark in question.

The Disputed Domain Name is being offered for public sale on a domain name trading platform, which indicates that the Respondent has registered the Disputed Domain Name for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name. The Complainant firmly believes that the above situation fully satisfies the circumstances described in Policy 4B(i).

In summary, the Complainant firmly believes that the Respondent has registered and used the Disputed Domain Name in bad faith.

B. Respondent

The Respondent did not answer to the complaint.

5. Findings

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

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

Complainants have proved that they are the respective registered owners of the AQARA trademarks.

The Disputed Domain Name incorporates the AQARA trademark.

The AQARA trademark is clearly recognizable in the Disputed Domain Name.

The addition of this generic term shall be understood as meaning that the website associated with the Disputed Domain Name sells AQARA branded products dedicated to hardware and software solutions for smart homes.

Therefore, the panel is of the opinion that adding the descriptive term "home" does not prevent a finding of confusing similarity between the Disputed Domain Name and the AQARA trademark.

The Complainants have, to the satisfaction of the Panel, shown the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

B) Rights and Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish rights or legitimate interests in the Disputed Domain Name by demonstrating any of the following:

(i) before any notice to it of the dispute, the Respondent's use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services; or

(ii) the Respondent has been commonly known by the Disputed Domain Name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate non-commercial or fair use of the Disputed Domain Name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue.

The Respondent did not respond to the Complaint to rebut the Complainant's prima facie case.

Consequently, it did not provide any evidence or allege any circumstance to establish that it has rights or legitimate interests in the Disputed Domain Name.

There is no indication that the Respondent is known under the Disputed Domain Name.

The Panel further finds that the Respondent is neither making a bona fide offering of goods or services or a legitimate noncommercial or fair use of the Disputed Domain Name as it is offered for sale on the Registrar's website.

In the circumstances of this case, the Panel finds that the Complainant has established a prima facie case of the Respondent's lack of rights or legitimate interests in relation to the Disputed Domain Names, which the Respondent has not rebutted.

The Complainants have therefore satisfied paragraph 4(a)(ii) of the Policy.

C) Bad Faith

Paragraph 4(a)(iii) of the Policy requires the Complainants to demonstrate that the Domain Name was registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that may indicate bad faith, including but not limited to:

(i) circumstances indicating that the Respondent has registered or the Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

(iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

Registration in bad faith

Given the distinctive character of the AQARA trademark and the Complainants' established use of its AQARA trademark in several countries of the world, the Panel finds that the Respondent could not ignore the Complainants' rights in the AQARA trademark, when it registered the Disputed Domain Name.

Adding the generic term "home" to the AQARA trademark shows that it targeted the AQARA trademark when it decided to register the Disputed Domain Name.

Used in bad faith

Again, the Respondent did not answer the Complaint to rebut the Complainant's prima facie case.

The offer to sell the Disputed Domain Name and the simple failure to make and prove any good faith use of the Disputed Domain Name indicate that the Respondent's primary intent was to sell the Disputed Domain Name.

The Panel is of the opinion that there are "circumstances indicating that the Respondent has registered or the Respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name" in the meaning of Par. 4(b)(i) of the Policy.

The Complainants have therefore satisfied paragraph 4(a)(iii) of the Policy.

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 <aqarahome.com> be transferred to Complainant 1.

Marie-Emmanuelle HAAS
Panelist

Dated: November 4, 2024


