



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401931
Complainant:	7-Eleven International, LLC
Respondent:	fengzhengfeng
Disputed Domain Name(s):	<7eleven-mall.com>; <7eleven-buying.com>; <7eleven-shopping.com>; <7eleven-discount.com>; <7eleven-sale.com>; <7eleven-supermall.com>; <7eleven-seller.com>; <7eleven-club.com>; <7eleven-kr.com>; <7eleven-shopping.com>; <7eleven-newmall.com>; <7eleven-newshop.com>; <7eleven-sellervip.com>

1. The Parties and Contested Domain Name

The Complainant is **7-Eleven International, LLC**, of 3200 Hackberry Road, Irving, TX 75063, USA

Respondent 1 is **fengzhengfeng** of xishuagnbanan 2319183093, Xishuangbanna, Yunnan, CN, 665007; Tel No: +86.883989491; Respondent 2 is unknown.

The domain names at issue are <7eleven-mall.com>; <7eleven-buying.com>; <7eleven-shopping.com>; <7eleven-discount.com>; <7eleven-sale.com>; <7eleven-supermall.com>; <7eleven-seller.com>; <7eleven-club.com>; <7eleven-kr.com>; <7eleven-shopping.com>; <7eleven-newmall.com>; <7eleven-newshop.com>; <7eleven-sellervip.com> (“*Disputed Domain Names*”). The domain names, <7eleven-mall.com> and <7eleven-buying.com> are registered by Respondent 1 with PDR Ltd. d/b/a PublicDomainRegistry.com. The domain names, <7eleven-shopping.com>; <7eleven-discount.com>; <7eleven-sale.com>; <7eleven-supermall.com>; <7eleven-seller.com>; <7eleven-club.com>; <7eleven-kr.com>; <7eleven-shopping.com>; <7eleven-newmall.com>; <7eleven-newshop.com>; <7eleven-sellervip.com> are registered by Respondent 2 with PDR Ltd. d/b/a PublicDomainRegistry.com.

2. Procedural History

On 24 September 2024, the Complainant filed a Complaint in this matter with the Hong Kong Office of the Asian Domain Name Dispute Resolution Centre (“ADNDRC-HK”). On 25 September 2024, the ADNDRC-HK notified PDR Ltd. d/b/a PublicDomainRegistry.com (“Registrar”) of the Disputed Domain Names of the

proceedings by email and requested registrar verification in connection with the domain names at issue. On 25 September 2024, the Registrar acknowledged the email of ADNDRC-HK confirming that the Disputed Domain Names are registered with the Registrar, that fangzhengfeng is the holder of the Disputed Domain Names and provided contact details. The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “policy”), the Rules of Procedure under the Policy (the “Rules”), and the Center’s Supplemental Rules.

In accordance with the Rules, the ADNDRC-HK sent a Written Notice of Complaint (“Notification”), together with the Complaint, to the email address of Respondent 1’s nominated registrant contact for the Disputed Domain Name (as recorded in the WHOIS database) on 3 October 2024. The Notification gave the respondent twenty (20) calendar days to file a Response (i.e. on or before 23 October 2024).

The Panel comprising of Dr. Shahla Ali as a single panelist was appointed by the ADRDRC-HK on 24 October 2024. The papers pertaining to the case were delivered to the Panel by email on the same day. The Panel finds that it was properly constituted and has acted impartially in reaching its conclusion.

3. Factual background

For the Complainant

According to information provided by the Complainant, 7-Eleven International, LLC (hereinafter “7-Eleven”), is a global chain of convenience stores founded in 1927 in Dallas, Texas. The name originally referred to the stores' extended operating hours, from 7 a.m. to 11 p.m.. In 1991, Ito-Yokado acquired 70% of Southland Corporation, the parent company of 7-Eleven and marked the beginning of 7-Eleven's presence in the Asian market. At present, 7-Eleven operates in over 20 countries and regions.

7-Eleven International, LLC, Inc. is the owner of numerous trademarks registered amongst other countries and regions in the EU, Japan, USA and China.

For the Respondent

Respondent 1 and 2 did not respond to the ADNDRC-HK within the stipulated timeframe (i.e. on or before 23 October 2024). As such the Respondent(s) have not contested the allegations of the Complaint and are in default.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The domain name in dispute is confusingly similar to the Complainant’s trademark “7-Eleven”.
- ii. Respondent(s) have no rights or legitimate interests in the registration of the domain names in dispute.
- iii. Respondent has registered and used the domain name in bad faith.

B. Respondent

The Respondent(s) registered the disputed domain names between March and August 2024. It did not file a Response to the ADNDRC-HK within the required timeframe stipulated by the ADNDRC-HK (ie. on or before 23 October 2024) and as such has not contested the allegations of the Complaint and is in default.

5. Preliminary Issue: Consolidation

The Tribunal must first decide on the question of consolidation. According to the information submitted by the Complainant, of the 13 disputed domain names in this proceeding, only the Respondent of <7eleven-mall.com> and <7eleven-buying.com> can be identified. The rest of the Respondents could not be identified because their registrar does not provide information in the WHOIS details under a privacy service.

According to the Complainant, the information regarding the contact details for Respondent 1 is as follows:

<7eleven-mall.com> and <7eleven-buying.com>

Registrant Name: fengzhengfeng
Registrant Organization:
Registrant Street: xishuagnbanan 2319183093
Registrant City: xishuangbanna
Registrant State/Province: Yunnan
Registrant Postal Code: 665007
Registrant Country: CN
Registrant Phone: +86.883989491
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:
Registrant Email: louisewen2025@gmail.com

For the remaining 11 disputed domain names, <7eleve-shopping.com>; <7eleven-discount.com>; <7eleven-sale.com>; <7eleven-supermall.com>; <7eleven-seller.com>; <7eleven-club.com>; <7eleven-kr.com>; <7eleven-shopping.com>; <7eleven-newmall.com>; <7eleven-newshop.com>; <7eleven-sellervip.com> they are under a privacy service agreement, so the only know information on Respondent 2 is as follows:

Registrant Name: Domain Admin
Registrant Organization: Privacy Protect, LLC (PrivacyProtect.org)
Registrant Street: 10 Corporate Drive
Registrant City: Burlington
Registrant State/Province: MA
Registrant Postal Code: 01803
Registrant Country: US
Registrant Phone: +1.8022274003
Registrant Phone Ext:
Registrant Fax:
Registrant Fax Ext:

The Complainant requests that all disputed domain names be consolidated into this matter.

According to Paragraph 10(e) of the Rules, a “[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules”. Paragraph 10(c) of the Rules provides that “the [p]anel shall ensure that the administrative proceeding takes place with due expedition”. Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”) summarizes the consensus view of UDRP panels on the consolidation of multiple respondents and provides that where a complaint is filed against multiple respondents, panels consider whether the domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all parties.

According to the information submitted by the Claimant, the record indicates the disputed domain names are under common control. This is supported by the following: (1) all of the disputed domain names contain the “7eleven” mark (except “7eleve-shopping.com” which may be considered a form of typo-squatting) and follows the same formula of compositing the domain names; (2) the websites associated with all the disputed domain names are very similar; (3) the disputed domain names were registered through the same registrar and relatively close in time and (4) the contact information for Respondents 1 and 2 is the same.

The panel finds that on the balance of probabilities, it is likely that the disputed domain names are under common control.

Accordingly, conditions for proper consolidation of the disputed domain names into one matter are present here.

6. Findings

Having considered all the documentary evidence before me, and the Respondent’s non-participation in these proceedings after being afforded every opportunity to do so in accordance with Paragraph 14 of the Rules for Uniform Domain Name Dispute Resolution Policy (“the Rules”) the Panel is of the view that it should proceed to decide on the Disputed Domain Names based upon the Complaint and evidence submitted by the Complainant.

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 prove that the Disputed Domain Names are identical or confusingly similar to a trademark or a service mark in which the Complainant has rights.

The Disputed Domain Names incorporate the Complainant's "7-Eleven" trademark in its entirety. The only difference between the Disputed Domain Names and the Complainant's "7-Eleven" trade mark is the inclusion of generic dictionary terms including: "mall", "buying", "shopping", "discount", "sale", "supermall", "seller," "club", "kr", "shopping", "newmall", "newshop" and "sellervip". In the case of one of the disputed domain names, the misspelling of "7eleve" combined with "shopping" does not remedy its confusing similarity. It is generally accepted that where a domain name incorporates the entirety of a trademark, it will generally be considered identical or confusingly similar to a Complainant's trademark (see WIPO Overview 3.0, Guideline 1.7 and *Ice House America, LLC v. Ice Igloo, Inc.* WIPO Case No. D2005-0649). The addition of the above listed generic terms does not negate the finding of confusing similarity.

The generic top-level domain ".com" is not sufficient to distinguish the Disputed Domain Name from the Complainant's prior rights.

It is the view of this Panel that the Complainant has discharged its burden of proof in establishing the element of an identical and confusingly similar mark under Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Complainant must first make a *prima facie* case that Respondent(s) lacks rights and legitimate interests in the disputed domain names under Policy 4(a)(ii), and then the burden shifts to Respondent(s) to show it does have rights or legitimate interests. See *Hanna-Barbera Prods., Inc. v. Entm't Commentaries*, FA 741828 (Nat. Arb. Forum Aug. 18, 2006).

The Complainant contends that the Respondent(s) has never been authorized by the Complainant to use the trademarks "7-Eleven," under any circumstances. Furthermore, the Respondent has no business relationship with the Complainant and has not been licensed by the Complainant to use the mark.

Second, the Respondent's name, fengzhengfeng, address or any other identifying information cannot be linked with the "7-Eleven" mark.

Third, according to the Complainant's search, no rights for "7-Eleven" can be found in the Respondents name.

Fourth, the Respondent(s) have not used the domain names in connection with a bona fide offering of goods or services, but have rather used it to host web-shops displaying listings linked to other e-commerce sites.

It is noted that according to the WHOIS search result, the Disputed Domain Names were registered between March and August 2024, over 26 years after the

Complainant registered the trademarks 7-Eleven in the EU, 21 years after it was registered in the USA and 10 years after it was first registered in China.

Given the general recognition of the Complainant and the 7-Eleven trademarks globally including in the PRC where the registrant resides, the registrant must have known of the existence of the 7-Eleven trademarks when registering the Disputed Domain Names.

Given the above reasons alongside a lack of response by the Respondents on its right and/or interest in the Disputed Domain Names, this Panel concludes that the Respondents have no rights and/or legitimate interests in respect of the Disputed Domain Names.

C) Bad Faith

Paragraph 4(b) of the Policy sets down four (4) factors which the Panel will need to examine to determine whether the Respondent has registered or used the Disputed Domain Name in bad faith. The four (4) factors are as follows:

“Evidence of Registration and Use in Bad Faith. For the purposes of Paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that you have registered or you have 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 your documented out-of-pocket costs directly related to the domain name; or

(ii) you have 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 you have engaged in a pattern of such conduct; or

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

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.”

The Respondents, one of which is domiciled in China, must have been aware of the Complainant's prior rights and interest in the Disputed Domain Names given the Complainant's reputation in the mark “7-Eleven” internationally as of the date that the Respondents registered that Disputed Domain Names. UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trade-mark by an unaffiliated entity can by itself create a

presumption of bad faith. (See for instance Eurazeo v. Dona Chae, Case No. D2023-1496.)

According to the screen shots of the websites associated with the Disputed Domain Names submitted by the Complainant, the websites feature links to other websites or are being held passively. Such use does not constitute a good faith use. Further, the selection of the Disputed Domain Names and the display of the Complainant's mark on several of the websites indicates that Respondents had prior knowledge of the Complainant's mark.

No evidence has been provided showing that the Respondent sought the permission of the Claimant to use its mark, nor any evidence showing that the Claimant gave such permission to the respondent.

Given the above findings, the Panel is of the view that the Respondent registered and used the contested domain name in bad faith.

7. Decision

The Complainant has proved its case. It has a registered trademark in the name "7-Eleven" to which the contested domain names are confusingly similar.

The Respondents has provided no evidence showing rights or legitimate interest in the Disputed Domain Names.

The Complainant has shown that the Respondents registered and used the Disputed Domain Names in bad faith.

For the foregoing reasons and in accordance with Paragraph 4 of the Policy, the Panel concludes that the relief requested by the Complainant be granted and orders that the Disputed Domain Names "<7eleven-mall.com>; <7eleven-buying.com>; <7eleven-shopping.com>; <7eleven-discount.com>; <7eleven-sale.com>; <7eleven-supermall.com>; <7eleven-seller.com>; <7eleven-club.com>; <7eleven-kr.com>; <7eleven-shopping.com>; <7eleven-newmall.com>; <7eleven-newshop.com>; <7eleven-sellervip.com>" be transferred to the Complainant **7-Eleven International, LLC**.



Dr. Shahla Ali
Panelist

Dated: 31 October 2024