



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401899
Complainant:	Shenzhen SKE Technology Co., Ltd
Respondent:	Zhang Qiang
Disputed Domain Name(s):	<skevaperussia.com>

1. The Parties and Contested Domain Name

The Complainant is Shenzhen SKE Technology Co., Ltd, of 2/F, Building 3, Antuoshan High-tech Industrial Park, Shajing Street, Bao'an Dist., Shenzhen, Guangdong Province, China.

The Respondent is Zhang Qiang, of Luoyu Road 3321, Wuhan, Hubei 451000, China.

The domain name at issue is skevaperussia.com, registered by Respondent with Paknic (Private) Limited, of Office 21, Crown Plaza, Nawaz Chowk, Gojra Road, Jhang Sadar 35200, Punjab, Pakistan.

2. Procedural History

On July 11, 2024, the Complainant filed a Complaint with the Hong Kong Office (HK Office) of Asian Domain Name Dispute Resolution Centre (ADNDRC) pursuant to the Uniform Policy for Domain Name Dispute Resolution, approved by the Internet Corporation for Assigned Names and Numbers (ICANN) on 24 October 1999 (the Policy), the Rules for Uniform Domain Name Dispute Resolution Policy, approved by ICANN Board of Directors on 28 September 2013 (the Rules) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy effective from 21 August 2023 (the Supplemental Rules).

On July 11, 2024, the HK Office transmitted by email to the Registrar a Notification for confirmation of the related registration information and confirmation that the disputed domain name has been locked and will not be transferred to another holder or registrar during the current administrative proceeding or for a period of 15 business days after the proceeding is concluded. On the same day, the HK Office received email from the Registrar that confirmed (i) the disputed domain name is registered with Paknic (Private) Limited, (ii) the registrant is Zhang Qiang (the Respondent), (iii) the Policy applies to the domain name, (iv) the language of the registration agreement for the disputed domain name is English, (v) the domain name's registration date and expiration date, (vi) the

disputed domain name will remain locked during the pending administrative proceeding, and (vii) the WHOIS information for the disputed domain name.

On October 3, 2024, the HK Office sent a Notification of Deficiencies to the Complainant by email, among which the information of the current Registrant (Respondent) of the disputed domain name provided by the Registrar was transmitted to the Complainant.

On October 18, 2024, the Complainant updated the Complaint upon the request. On the same day, HK Office confirmed by email that the Complaint is in administrative compliance with the Policy and the Rules. The HK Office sent a Written Notice of Complaint by email to the Respondent, however, it did not receive a response from the Respondent in respect of the domain name within the required time.

On November 8, 2024, the HK Office sent a Respondent in Default by email to the Complainant and the Respondent.

The Complainant elected to have the Complaint decided by one Panelist and the Respondent made no objection. On November 8, 2024, the HK Office appointed Mr. XIE Guanbin as the sole Panelist in this matter and the panelist confirmed his independent and impartial act between the parties.

3. Factual background


The Complainant is Shenzhen SKE Technology Co., Ltd, of 2/F, Building 3, Antuoshan High-tech Industrial Park, Shajing Street, Bao'an Dist., Shenzhen, Guangdong Province, China. The Complainant is established in 2013 and its business scope includes electronic atomizer, electronic atomizer key parts and related equipment sales and research and development.

The Respondent is Zhang Qiang, of Luoyu Road 3321, Wuhan, Hubei 451000, China.

4. Parties' Contentions

A. Complainant

- i. The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant claims it has registered SKE  as a trade mark in Russia under registration number 906736 for use as an alternative to traditional cigarettes; electric smoking pipes; electronic cigars; cases for electronic cigarettes; electronic devices for the inhalation of nicotine-containing aerosols; oral vaporizers for smokers; electronic cigarette liquid [e-liquid] comprised of flavorings in liquid form used to refill electronic cigarette cartridges; liquid nicotine solutions for use in electronic cigarettes; flavorings, other than essential oils, for use in electronic cigarettes; cigarettes containing tobacco substitutes, not for medical purpose; cigarettes; cigarette filters; cigarette holders; cigars in classes 34, and submitted Annex 2.

The Complainant also claims that it owns <http://www.skevape.com/> as its official website and submitted Annex 3. The WHOIS information of skevape.com shows the domain name is created on May 20, 2022 and will expire on May 20, 2025.

If the reference to location “Russia” is disregarded, the disputed domain name is extremely identical to the Complainant’s domain name and trademark, which is sufficient to lead to confusion in the relevant market.

- ii. The Respondent has no rights or legitimate interests in respect of the domain name.

The Complainant has never authorized, licensed or consented to the registration or use of the disputed domain name and to the best of its knowledge and belief none of the circumstances listed in paragraph 4 (c) of the UDRP applies and there are no other circumstances that justify the respondent’s registration or use of the disputed domain name.

- iii. The disputed domain name has been registered and is being used in bad faith.

The Complainant is one of the leading e-cigarette brands globally and it owns registered trademarks SKE in designed fonts and SKE in word and other relevant trademarks in Russia, China, United States and many other countries and regions.

The disputed domain name uses Russian as its default language and alleges to sell e-cigarette products to different countries. Besides, the website under the disputed domain name bears registered trademarks and design patents of the Complainant and encourage visitors of the website to order and pay for these products that the Complainant never in any form authorized. The disputed domain name contains the whole of the Complainant’s domain name plus a reference to location. For an Internet user, it would appear to be endorsed by the Complainant and consumers would have placed orders from the website for purchase of e-cigarette products.

By using the disputed domain name, the website has intentionally attempted to attract, for commercial gain, Internet users to shopping option, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on the website.

B. Respondent

The Respondent did not submit any response within the required time.

5. Findings

Pursuant to the Registration Agreement between the Respondent and the Registrar, the ICANN Uniform Domain Name Dispute Resolution Policy shall apply to this dispute resolution Proceeding.

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's registration date is on April 22, 2024 and its expiration date is on April 22, 2025 according to the information provided by the Registrar.

The Complainant submitted three Russian trademark certificates, among which No. 906736 certificate shows the Complainant holds a **SKE** trademark, which contains SKE words in design, registered on June 20, 2022 in the Federal Service for Intellectual Property in Russia. The registration expires on June 20, 2032. Since the Respondent makes an objection on Annex 2, the Panel, pursuant to the Policy, accepts the content of the aforesaid evidence and confirms the Complainant has prior right in **SKE** trademark for purposes of this proceeding.

With regard to the disputed domain name, it consists of two parts, i.e. skevaperussia and .com. ".com" is the suffix of the international top-level domain name and does not have any distinctive function. With respect to the main part of the disputed domain name, "skevaperussia" can be recognized as the distinctive part. Skevaperussia is a combination of "ske", "vape" and "russia". Whereas "vape" points to the industry of e-cigarette and "russia" is country name, "ske" is the main part that has the distinctive function. Since "ske" is identical to the Complainant's prior trademark **SKE**, and on the other hand, "skevaperussia.com" is also highly similar to the Complainant's prior domain name "skevape.com". The Panel finds the disputed domain name is identical and confusingly similar to the prior trademark and domain name in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

The Complainant claimed it has rights in prior trademark but never permitted or authorized the Respondent to use its trademark or register any domain name, therefore, the Respondent is not entitled to any rights of the disputed domain name. The Panel is of the opinion that the Complainant has established a prima facie case in respect of the lack of rights and legitimate interests of the Respondent, and then the Respondent shall carry the burden of proof for its rights and legitimate interests in the disputed domain name.

However, neither the Respondent refuted the Complaint, nor did it submit any evidence to prove its rights or interests. The Panel cannot conclude the Respondent has rights or legitimate interests in the disputed domain name in accordance with the present evidence.

The Panel therefore finds the Complaint has satisfied paragraph 4(a)(ii) of the Policy.

C) Bad Faith

The Complainant's business scope includes e-cigarette, and it introduces itself as one of the leading e-cigarette brands globally. The Complainant claims it owns the website <http://www.skevape.com/> as its official website and skevape.com is a prior domain name held by the it. The aforesaid website shows the name of the Complainant in the CONTACT US page, and also the **SKE** trademark and various type of e-cigarette with SKE mark. The website under the dispute domain name also operates in the e-cigarette business, and the e-cigarette products displayed on its website bear the Complainant's **SKE** trademark. Consequently, the Respondent has used the domain name intentionally attempted to attract, for commercial gain, Internet users to its 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 its website or location or of a product or service on its website or location.

Accordingly, the Panel finds the Respondent registered and used the disputed domain name in bad faith, and that paragraph 4(a)(iii) of the Policy has been satisfied.

6. Decision

For all the foregoing reasons, pursuant to paragraph 4(a) of the Policy and paragraph 15 of the Rules, the Panel orders that the disputed domain name <skevaperussia.com> be transferred to the Complainant.



XIE Guanbin
Panelist

Dated: November 21, 2024