



Asian Domain Name Dispute Resolution Centre

hong kong

**(Hong Kong Office)**

## **ADMINISTRATIVE PANEL DECISION**

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<b>Case No.</b>	<b>HK-2401940</b>
<b>Complainant:</b>	<b>Roadget Business Pte. Ltd.</b>
<b>Respondent:</b>	<b>Holly Spool</b>
<b>Disputed Domain Name(s):</b>	<b>&lt;sheinpay.com&gt;</b>

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### **1. The Parties and Contested Domain Name**

The Complainant is Roadget Business Pte. Ltd., of 12 Marina Boulevard, #15-01, Marina Bay Financial Centre, Singapore 018982, Singapore.

The Respondent is Holly Spool, of Room 266, Redding Building, 1109 Experiment St., Griffin, Georgia, 30223, United States of America (“United States”).

The domain name at issue is <sheinpay.com>, registered by Respondent with GoDaddy.com LLC.

### **2. Procedural History**

On 4 November 2024, the Complainant submitted a Complaint in English to the Hong Kong office of the Asian Domain Name Dispute Resolution Centre (the “Centre” or “ADNDRC”), pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) adopted by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999.

On 5 November 2024, the ADNDRC transmitted by email to the Registrar “GoDaddy.com LLC” (the “Registrar”) a request for registrar verification in connection with the disputed domain name <sheinpay.com> (the “Disputed Domain Name”). On the same day, the Registrar transmitted by email to the Centre its verification response disclosing registrant and contact information for the Disputed Domain Name. On 13 November 2024, the Centre sent an email to the Complainant providing the registrant and contact information disclosed by the Registrar and requiring the Complainant to rectify the deficiencies. On 18 November 2024, the Complainant filed a revised Complaint.

The Centre verified that the Complaint was in compliance with the Policy and the Rules for ICANN Uniform Domain Name Dispute Resolution Policy (“Rules”). On 20 November 2024, the Centre transmitted the Complaint to the Respondent and formally notified the

Respondent that the proceeding commenced on 20 November 2024, and that the due date for the Respondent's Response was 10 December 2024. On 11 December 2024, the Centre sent an email to both the Complainant and the Respondent to confirm that no response from the Respondent was received by the Centre by the due date.

On 11 December 2024, the Centre appointed Ms. Sok Ling MOI as the sole Panelist. The Panel confirmed that it was in a position to act independently and impartially to deliver its decision.

### 3. Factual background

The Complainant, a Singapore-registered company established in 2019, is the operating entity of the global SHEIN brand and owns intellectual property rights related to SHEIN. The Complainant's affiliated company, Guangzhou Shein International Import & Export Co., Ltd., established in 2017, has been using SHEIN as a trade name in providing its services. SHEIN is the global online retailer of fashion and lifestyle products, with a market reach in over 200 countries including the United States, Europe, the Middle East, India, and Southeast Asia. According to Google Play data, the SHEIN app has been downloaded more than 500 million times, ranking second in the "Shopping" category.

The Complainant registered the domain name <shein.com> on 16 January 1998 to operate its official website which it uses to promote and sell its products to consumers worldwide. The Complainant has registered over 300 SHEIN-related trade marks globally, including the following trade mark registrations in the United States, the earliest filing being in 2015:

Trade Mark	Class	Registration No.	Filing Date	Registration Date
"SheIn" (stylised)	14, 18, 25, 26, 35	5256688	6 February 2015	1 August 2017
"SHEIN"	16	5944948	30 March 2018	24 December 2019
"SHEIN"	20	5909109	30 March 2018	12 November 2019
"SHEIN"	35	6649063	30 March 2018	22 February 2022
"SHEIN CURVE"	25	6181709	25 February 2020	2 October 2020

The Disputed Domain Name was registered on 10 May 2019. According to the evidence submitted by the Complainant, the Disputed Domain Name is being passively held and does not resolve to any active website.

### 4. Parties' Contentions

#### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant's trade mark "SHEIN" has no ordinary meaning in English and is highly distinctive.

- ii. “SHEINPAY” may be wrongly understood by consumers as the payment service provided by the SHEIN brand (similar to the payment function ALIPAY provided by Alibaba).
- iii. Should the Respondent use the Disputed Domain Name to commit telecommunications fraud or other criminal acts, the Complainant’s brand image will be damaged.
- iv. The Disputed Domain Name was registered well after the Complainant’s “SHEIN” trade mark was registered/used in commerce and became well-known worldwide.
- v. Given the reputation of the Complainant’s “SHEIN” trade mark, it is impossible for the Respondent not to be aware of the existence of the Complainant’s “SHEIN” trade mark at the time of registering the Disputed Domain Name.
- vi. The Disputed Domain Name is highly confusingly similar to its registered trade mark.
- vii. The Respondent has no right or legitimate interest in the Disputed Domain Name.
- viii. The Respondent has registered or used the Disputed Domain Name in bad faith.

B. Respondent

The Respondent did not file a response 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

The Panel accepts that the Complainant has rights in “SHEINPAY” by virtue of use and registration as a trade mark. The Disputed Domain Name incorporates the Complainant’s “SHEIN” trade mark in its entirety. The addition of the descriptive word “pay” does not prevent a finding of confusing similarity, as the “SHEIN” trade mark is clearly recognizable within the Disputed Domain Name. The addition of the generic Top-Level Domain (“gTLD”) “.com” is a standard registration requirement and is generally disregarded for the purpose of the confusing similarity assessment.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s “SHEIN” trade mark. Accordingly, the Complainant has satisfied the requirements of the first element.

## **B) Rights and Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, a complainant bears the burden of establishing that the respondent lacks rights or legitimate interests in the disputed domain name. However, once the complainant makes a *prima facie* showing under paragraph 4(a)(ii) of the Policy, the burden of production shifts to the respondent to establish its rights or legitimate interests in the disputed domain name by demonstrating any of the following, without limitation, under paragraph 4(c) of the Policy:

- 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 trade mark or service mark rights; or
- iii. the respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trade mark or service mark at issue.

The Complainant has confirmed that the Respondent is not in any way affiliated with the Complainant or otherwise authorized or licensed to use the "SHEIN" trade mark or to seek registration of any domain name incorporating the "SHEIN" trade mark. The Respondent goes by the name of "Holly Spool" with no apparent affiliation to the name "SHEIN". There is thus no objective evidence suggesting that the Respondent is commonly known by the Disputed Domain Name or that the Respondent has any rights in the term "SHEIN".

According to the evidence submitted by the Complainant, it appears that the Disputed Domain Name is being passively held and has not been put to actual use. The Panel is satisfied that the Complainant has made out a *prima facie* case showing that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

The burden of production thus shifts to the Respondent to establish rights or legitimate interests in the Disputed Domain Name. Since the Respondent did not file a response to the Complaint and has thus failed to offer any explanation for the registration of the Disputed Domain Name, the *prima facie* case has not been rebutted.

Consequently, the Panel finds that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Accordingly, the Complainant has satisfied the requirements of the second element.

## **C) Bad Faith**

Paragraph 4(b) of the Policy sets out four circumstances which, without limitation, shall be evidence of the registration and use of the domain name in bad faith, namely:

- i. circumstances indicating that the respondent has registered or 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 the 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.

The Panel accepts that the Complainant's trade mark "SHEIN" is a distinctive mark and has attained a certain degree of fame and recognition in 2019 when the Disputed Domain Name was registered. By registering the Disputed Domain Name which is confusingly similar to the Complainant's trade mark, the Respondent is preventing the Complainant from reflecting its trade mark in the corresponding domain name. A presumption further arises that the Respondent's purpose of registering the Disputed Domain Name was to trade on the reputation of the Complainant and its trade mark by diverting Internet users seeking the Complainant's products to its own website for financial gain or fraudulent purpose.

Since the Respondent did not come forward to rebut the Complainant's allegations of bad faith, the Panel is persuaded that the Respondent's choice of the Disputed Domain Name cannot have been accidental and must have been influenced by the fame of the Complainant and its trade mark.

Taking into account all the circumstances and evidence, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith. Accordingly, the Complainant has satisfied the requirements of the third element.

## **6. Decision**

The Complainant has satisfied all three elements under paragraph 4(a) of the Policy.

In accordance with the Policy and the Rules, the Panel orders that the Disputed Domain Name <sheinpay.com> be transferred to the Complainant.

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Sole Panelist: Sok Ling MOI

Dated: 29 December 2024