



Asian Domain Name Dispute Resolution Centre

hong kong

(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401947
Complainant:	Tineco Intelligent Technology Co., Ltd.
Respondent:	Domain Privacy
Disputed Domain Name(s):	<fr-store-tineco.com>

1. The Parties and Contested Domain Name

The Complainant is Tineco Intelligent Technology Co., Ltd, of No. 108, Shihu West Road, Wuzhong District Suzhou City, Jiangsu, 215168, CN.

The Respondent is Domain Privacy, of 111 Leoforos Chlorakas, Shop 9, Suite 500, Chloraka, Paphos 8220, CY.

The domain name at issue is <fr-store-tineco.com>, registered by the Respondent with DropCatch.com 1029 LLC, of 2635 Walnut Street, Denver, CO, 80205, US ("**Registrar**").

2. Procedural History

On 10 December 2024 the Complainant filed a complaint with the Hong Kong office of the Asian Domain Name Dispute Resolution Centre ("**Centre**"). On the same day, the Centre issued a New Case Notification to the Registrar by way of email requesting the Registrar to provide information in respect of the Disputed Domain Name.

On 11 December 2024 the Registrar provided the following information by email: confirmed the Disputed Domain Name is registered with the Registrar, the Respondent (Domain Privacy, Domain Name Privacy Inc.) is the registrant of the Disputed Domain Name, confirmed the ICANN Uniform Domain Name Dispute Resolution Policy is applicable and the domain name had been locked.

On 16 December 2024, through email, the Centre provided a Notification of Deficiencies of the Complaint to the Complainant. On the same day, through email, the Complainant transmitted a revised Complaint to the Centre.

On 17 December 2024, the Centre confirmed through email that the Complaint is in administrative compliance with the Uniform Domain Name Dispute Resolution Policy ("**Policy**") and the Rules for the ICANN Uniform Domain Name Dispute Resolution Policy ("**Rules**"). On the same day, the Centre issued the Written Notice of Complaint with

the Annexes to the Respondent by email. The Respondent was required to submit a Response on or before 6 January 2025 and it did not submit any response within the response period.

On 9 January 2025, the Centre appointed Mr. Luke Dale as the Panel for HK-2401947 domain name case and the case file was delivered to the Panel on the same day.

3. Factual background

Complainant

The Complainant, a sub-brand of Ecovacs Robotics, Inc., is a technology company specializing in 'intelligent technology' electrical appliances under the "TINECO" brand (referred to as "**TINECO**" and "**TINECO brand**"). The Complainant manufactures various vacuum cleaners and other appliances under the TINECO brand which are sold worldwide, including through various online platforms.

The Complainant is the owner of trade mark registrations for TINECO across several classes in various jurisdictions. In particular, the Complainant has the following trade mark registrations:

EU Registration Number 018482808 for TINECO, effective date September 15, 2021, designating goods and services in international classes 20.

Madrid Registration Number 1470679 for TINECO, effective date January 4, 2019, designating goods and services in international classes 7-1, 21.

("TINECO marks").

Respondent

The Respondent registered the Disputed Domain Name on 11 October 2024.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Complainant claims that it has a global recognition of the TINECO brand, establishing substantial goodwill and reputation which is registered as a trade mark in various jurisdictions. The Disputed Domain Name <fr-store-tineco.com> is confusingly similar to the TINECO marks and is likely to mislead consumers to believing that the Disputed Domain name is the official TINECO store in France.
- ii. The Complainant contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. This contention is made on the basis that the Disputed Domain Name has not been used since it was registered, directing to a holding page only, and the Respondent is not a distributor or

partner of the Complainant. Further, the Complainant has asserted that the Respondent does not have any trade mark rights in the name TINECO.

- iii. The Complainant argues that the Respondent has registered the Disputed Domain Name in bad faith as the Respondent did not avoid the Complainant's trademark when they knew or should have known about the existence of the Complainant's trade mark and the act of choosing to apply for the Disputed Domain Name was malicious.
- iv. The Complainant further argues that the lack of use of the Disputed Domain Name since registration also demonstrates passive use in bad faith. The Complainant contends that registration, but not use, of the Disputed Domain Name could lead TINECO consumers to visit the wrong website, which would result in a lack of trust in the TINECO brand, damaging the reputation of the TINECO brand.

B. Respondent

The Respondent has not filed a response to the Complaint and therefore no contentions have been submitted.

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

To assess confusing similarity under the UDRP principles, the elements of the domain name are considered to determine if the domain name is confusingly similar to the mark in question.

The Panel is satisfied that the complainant has demonstrated that it holds registered trade marks for the trade mark "TINECO". Further, the Panel is satisfied that TINECO is an internationally recognized brand for smart cleaning equipment and the word TINECO (which has no ordinary meaning) has acquired significant reputation attributable to the Complainant.

In this case, the Disputed Domain Name has fully incorporated the TINECO mark, the words "fr" and "store" as well as the generic top-level domain ".com".

It is well established that the top-level domains, such as ".com", lack significance when assessing similarity as they are technical in nature. This principle is reiterated at paragraph 1.11 of the WIPO Jurisprudential Overview 3.0. The top-level domain suffix is insufficient to differentiate a domain name from a trade mark and has been disregarded.

In assessing similarity, it has been widely accepted that the addition of non-distinctive elements such as geographical indicators or descriptive terms are not generally sufficient to differentiate the domain name from the trade mark in question where the trade mark is recognizable (see paragraph 1.8 of the WIPO Jurisprudential Overview 3.0 and *M/s Daiwik Hotels Pvt. Ltd v. Senthil Kumaran S, Daiwik Resorts, WIPO Case No. D2015-1384*).

Disregarding the generic top level domain, the modifications to the TINECO mark in the Disputed Domain Name are the addition of the words "fr" and "store", separated by hyphens. Fr could be read as the country code for France. The word "store" has no distinct meaning in this context and can be plainly read to refer to an online store where consumers can purchase products. The Panel is satisfied that the addition of these elements does not communicate any new meaning to a consumer. Instead, the inclusion of "fr" and "store" in conjunction with the TINECO mark creates a stronger link that the domain name relates to an online store for the sale of TINECO branded products in France.

The Panel concludes that the Disputed Domain Name is confusingly similar to the TINECO mark and paragraph 4(a)(i) of the Policy is satisfied.

B) Rights and Legitimate Interests

The Complainant has asserted that the Respondent is not a distributor or partner authorised by the Complainant to use the TINECO mark or has any other right to the word "TINECO". There is no evidence that the Respondent is commonly known by the name "TINECO" or that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name.

The Complainant has claimed that the Disputed Domain Name has been passively held. Evidence was also provided of an online store for the TINECO Brand, although it is unclear if this is the Complainant's online store or the Respondent's online store.

The Panel is satisfied that the Complainant has demonstrated a *prima facie* case that the Respondent does not have legitimate interests to use the TINECO mark, shifting the burden of proof to the Respondent under paragraph 4(a)(ii).

The Respondent has failed to file any response to establish its rights or legitimate interests to the Disputed Domain Name. For the following combination of reasons, the Panel has inferred that the Respondent does not have a right or legitimate interest in the Disputed Domain Name.

The Respondent is a privacy protection service. Although these services may be used for legitimate reasons, in this case the use of a privacy protection service and the failure to provide any response demonstrates a lack of legitimacy.

The Disputed Domain Name does not appear to be actively used by the Respondent, making it difficult to show that there is use for a noncommercial or fair use purpose. Further, the inclusion of the word "store" in the domain name indicates that the use is commercial in nature and intended to divert internet traffic away from the Complainant's website.

The word "TINECO" has no established meaning in the English language and has not acquired a meaning among consumers other than to relate to the Complainant's brand. The Disputed Domain Name was also registered well after the TINECO marks were registered. This strengthens a finding that the Respondent has no legitimate interests in registering the Disputed Domain Name.

The Panel concludes that the Respondent does not have a right or legitimate interest in the Disputed Domain Name and paragraph 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The Complainant is required to show that the Disputed Domain Name was both registered in bad faith and has been used in bad faith to satisfy paragraph 4(a)(iii) of the Policy. Paragraph 4(b) provides the following illustrative circumstance of registration and use in bad faith:

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

The Complainant has claimed that the Respondent's adoption of a well-know trade mark without interests in the name, preventing the Complainant from being able to register the Disputed Domain Name, amounts to registration and use in bad faith.

The Complainant has claimed that the Disputed Domain Name has been passively held. Passive holding of a domain name has been established to be evidence of use in bad faith under the Policy in combination with other factors. See, for example, *Telstra Corporation Limited v. Nuclear Marshmallows* (WIPO Case No. D2000-0003). For the following reasons, the Panel is satisfied that the registration and passive holding of the Disputed Domain Name by the Respondent is registration and use in bad faith to disrupt the Complainant's business.

As noted, the Respondent is a privacy protection service. Use of privacy protection services is not always indicative of registration and use in bad faith. The Respondent has not filed a response to these proceedings and the use of the privacy protection service results in the identity of the underlying registration being concealed. These factors indicate that there was an intention to conceal the underlying registrant's identity, mirroring cybersquatting patterns. The Panel therefore infers that the use of a privacy protection service in this case indicates bad faith.

The Disputed Domain Name incorporates a well-established trade mark and the Respondent has not established a connection to the name TINECO justifying its use. The Complainant has a worldwide reputation and presence on the Internet and the Respondent should have been aware of the TINECO marks prior to registering the Disputed Domain Name. Prior panels have found that knowledge, actual or inferred, of a strong mark is evidence of registration in bad faith, see *eBay Inc. v. Renbu Bai* WIPO Case No. D2014-1693.

Further, the Respondent has registered a domain name which incorporates the TINECO mark in addition to the word "store". It can be inferred that the Respondent was attempting to create initial interest confusion by drawing consumers to the Disputed Domain Name on

the assumption that it is the official French store for the TINECO brand. The TINECO brand has an established presence in the market and sells products through various online stores. The Disputed Domain Name is therefore likely to create confusion for consumers. This confusion (even if the use is passive holding) is likely to reduce trust in the TINECO brand.

For these reasons, the Panel finds that the criteria in paragraph 4(a)(iii) of the Policy has been met.

6. Decision

The Panel concludes that the Complainant has established all three elements required under the Policy. Accordingly, the Panel orders that the Disputed Domain Name is transferred from the Respondent to the Complainant.



Luke Dale
Panelist

Dated: 23 January 2025