



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401946
Complainant:	Shenzhen YouMe Information Technology Co., Ltd.
Respondent:	Noman Zaki
Disputed Domain Name(s):	<suorinvape.com>

1. The Parties and Contested Domain Name

The Complainant is Shenzhen YouMe Information Technology Co., Ltd., of 201, Bldg. B, Dianlian TechBldg., NanhuanAve. Mashantou Community, Matian street Guangming, Shenzhen CHINA 518000.

The Respondent is Noman Zaki, of 16914 creek mountain dr, Houston, Texas, 77084, USA.

The domain name at issue is <suorinvape.com>, registered by Respondent with GoDaddy.com, LLC, of 2155 East GoDaddy Way. Tempe, AZ 85284 USA.

2. Procedural History

On 5 December 2024, the Complainant filed a Complaint involving the disputed domain name <suorinvape.com> with the Hong Kong Office of Asian Domain Name Dispute Resolution Centre (“the Center”), pursuant to the Uniform Domain Name Dispute Resolution Policy (“Policy”) approved by the Internet Corporation for Assigned Names and Numbers (“ICANN”) on 24 October 1999, the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), approved by ICANN Board of Directors on 28 September 2013 and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”) effective from 21 August 2023.

On 6 December 2024, the Center transmitted by email to the Registrar a request for confirmation of the WHOIS records of the disputed domain name and other related information. On 7 December 2024, the Registrar responded with details of the registration including the Registrant’s name. The Registrar also confirmed that the language of the Registration Agreement of the disputed domain name is English.

On 27 December 2024, the Center made a formal notification of the complaint to the Respondent. According to Article 5 of the Rules, the Respondent was required to file its response on or before 16 January 2025. The Respondent did not file a response within the required time period.

On 10 January 2025, the Center invited Prof. Chan-Mo Chung for panelist appointment and Prof. Chung accepted the invitation on the next day.

On 17 January 2025, the Center informed the Parties of the appointment of Prof. Chan-Mo Chung as the sole panelist of the case.

Having reviewed the communications records, the Panel finds that it was properly constituted and appointed in accordance with the Rules and the Supplemental Rules.

3. Factual background

According to the Complaint, the Complainant, Shenzhen YouMe Information Technology Co., Ltd., is an electronic cigarette company established in 2014 by YouMe Group and is responsible for the operation and management of SUORIN brand.

The Annex 5 to the Complaint shows that the Complainant owns “suorin” trademark registrations in various countries and regions around the world, including but not limited to the following:

- (1) Trademark “Suorin”, EUIPO (European Union) registration No. 015715337 filed on August 3, 2016, and registered on November 18, 2016, for goods in Class 9, 34 and 35;
- (2) Trademark “Suorin”, USPTO (USA) registration No. 87125262 filed on August 3, 2016 and registered on August 8, 2017, for goods in Class 34.

The Annexes 6 and 2 to the Complaint also show that the Complainant has registered and used the <suorin.com> domain name since July 12, 2016.

Meanwhile, according to the WHOIS records provided by the Registrar, the disputed domain name was created on April 24, 2017.

4. Parties’ Contentions

A. Complainant

The Complainant’s contentions may be summarized as follows:

- i. The disputed domain names <suorinvape.com> is identical or confusingly similar to Complainant’s registered “suorin” series trademarks.
- ii. The Complainant has never licensed, consented to or otherwise authorized the Respondent’s use of “suorin” trademarks in respect of the disputed domain name and trademark. Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.
- iii. The Respondent is selling unauthorized Suorin SE, Suorin Air Mini/Mod/Pro/Plus, Suorin Drop/Drop 2 and other series Suorin vape products on the website operating under the disputed domain name in direct competition with the Complainant. Thus, the disputed domain name has been registered and used in bad faith.
- iv. Therefore, the disputed domain name must be transferred to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

According to Paragraph 5(f) of the UDRP Rules, if a Respondent does not submit a response, the Panel shall decide the dispute based upon the Complaint and evidence adduced by the Complainant.

5. Findings

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

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.

The Panel reviews the Complainant's contentions in that order.

A) Identical / Confusingly Similar

It is accepted that the Complainant has the right to bring this case as proved by the various trademarks incorporating the "suorin" characters that it has registered in the US and around the world.

The disputed domain name <suorinvape.com> contains three composing elements: "suorin", "vape" and the top-level domain ".com". The addition of the generic word "vape" does not serve to prevent the disputed domain name <suorinvape.com> from being confusingly similar to the trademark but may even reinforce the impression of an affiliation between the disputed domain name and the Complainant (*See F. Hoffmann-La Roche AG v. Cheaptamiflu.net*, WIPO Case No. D2005-1256). As to ".com", it is a settled rule that the generic top-level domain cannot confer any distinctiveness and is incapable of differentiating a disputed domain name from others' proprietary rights, and as such, is disregarded under confusing similarity test (e.g., *Tineco v. Roshan*, ADNDRC Case HK-2301747).

Therefore, the distinctive part of the disputed domain name is "suorin", and it is identical with the Complainant's trademark and the distinctive part of the Complainant's prior registered domain name <suorin.com>.

Accordingly, the Panel finds that the Complainant has succeeded in proving the requirement of Paragraph 4(a)(i) of the Policy.

B) Rights and Legitimate Interests

Once a Complainant establishes a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the Respondent to show that it has rights or legitimate interests in relation to the disputed domain name (*See* WIPO Overview 3.0, section 2.1). In the present case, the Complainant has demonstrated a *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name whereas the Respondent has failed to assert that any such rights or legitimate interests exist.

The Complainant's trademarks and the <suorin.com> domain name were registered before the creation of the disputed domain name by the Respondent. The Complainant has never licensed, consented to or otherwise authorized the Respondent's use of "suorin" trademarks in respect of the disputed domain name and trademark. Respondent's name has nothing to do with the disputed domain name.

A potential defense on the part of the Respondent might rely on Paragraph 4(c)(i) of the UDRP, which illustrates as a circumstance demonstrating a respondent's rights or legitimate interests to a domain name: "before any notice to you of the dispute, your 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". In *Oki Data Americas, Inc. v. ASD, Inc.* (WIPO Case D2001-0903), the panel of the case articulated a standard for determining the bona fide offering of goods and services:

- (1) Respondent must actually be offering the goods or services at issue.
- (2) Respondent must use the site to sell only the trademarked goods; otherwise, it could be using the trademark to bait Internet users and then switch them to other goods.
- (3) The site must accurately disclose the registrant's relationship with the trademark owner; it may not, for example, falsely suggest that it is the trademark owner, or that the website is the official site, if, in fact, it is only one of many sales agents.
- (4) The Respondent must not try to corner the market in all domain names, thus depriving the trademark owner of reflecting its own mark in a domain name.

Applying the established test to the current case, the Panel notes the following facts: The disputed domain name was used to promote and sell "Suorin" branded products. The "Suorin" logo was displayed in prominent positions on the website created with the disputed domain name. The Respondent did not accurately disclose its relationship with the Complainant. The Respondent used the site to sell not only the Complainant's products but also products from other sources. Thus, while the Respondent may meet some elements of the *Oki* test, it clearly failed to meet the second and third elements.

Accordingly, the Panel finds that the Complainant made a *prima facie* case that the Respondent lacks rights and legitimate interests in the disputed domain name under paragraph 4(a)(ii) of the Policy.

C) Bad Faith

Paragraph 4(b) of the Policy provides the following, among others, as evidence of registration and use in bad faith:

- registration of the domain name primarily for the purpose of disrupting the business of a competitor; or

- using the domain name in order to attract, for commercial gain, Internet users to registrant's 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 the web site or location or of a product or service on the web site or location.

Different from the widespread reputation of the Complainant's Suorin trademark enjoys today, the brand name may be less well known at the time of 2016. However, this does not imply that the trademark or brand name does not deserve protection from cybersquatting.

The Respondent, by choosing to register and use a domain name that is confusingly similar to the Complainant's distinctive trademark, intended to ride on the goodwill of the Complainant's trademarks by diverting internet traffic destined for the Complainant. Potential partners and end users are led to believe that the website <suorinvape.com> is an official site authorized by the Complainant. Consumer confusion is further aggravated in the present case since the Respondent is selling unauthorized Suorin vape products on this website and is in direct competition with the Complainant.

In this way, the Respondent is regarded as having registered the disputed domain name primarily to disrupt the Complainant's business and used the disputed domain name to attract internet users to the Registrant's web site for commercial gain, creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the web site.

Accordingly, the Panel finds that the Complainant has succeeded in proving the bad faith elements in Paragraph 4(a)(iii) of the Policy.

Therefore, the Panel finds that the Complainant has proved all three elements required under Paragraph 4(a) of the Policy.

6. Decision

For the foregoing reasons, in accordance with Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders that the disputed domain name, <suorinvape.com>, be **transferred** to the Complainant.



Chan-Mo Chung
Panelist

Dated: January 27, 2025