



(Hong Kong Office)

ADMINISTRATIVE PANEL DECISION

Case No.	HK-2401949
Complainant:	Guangdong Qisitech CO. LTD.
Respondent:	Alex Rubenfurter
Disputed Domain Name(s):	<geekbarvape.com>

1. The Parties and Contested Domain Name

The Complainant is Guangdong Qisitech CO. LTD., of Room 201, Building 3, No. 36 Fuxing Rd., Changan Town, Dongguan, Guangdong, China.

The Respondent is Alex Rubenfurter, of 763 N Edgewood Ave, Wood Dale, Illinois 60191, USA.

The domain name at issue is <geekbarvape.com>, registered by Respondent with GoDaddy.com, LLC, of 14455 North Hayden Rd. Suite 219 Scottsdale, AZ 85260.

2. Procedural History

On 16 December 2024, the Complainant submitted to the Hong Kong Office (“**HK Office**”) of the ADNDRC (“**ADNDRC**”) pursuant to the Uniform Domain Name Dispute Resolution Policy (the “**Policy**” or “**UDRP**”) and the Rules for the Uniform Domain Name Dispute Resolution Policy (the “**Rules**”). On 17 December 2024, the HK Office sent to the Complainant by email an acknowledgment of the receipt of the Complaint, the format of which was reviewed for compliance with the Policy, the Rules and the ADNDRC Supplemental Rules. On 17 December 2024, the HK Office also notified the Registrar of the Complaint by email.

On 18 December 2024, the Registrar replied to the HK Office informing the identity of the domain name Registrant. On 20 December 2024, the HK Office informed the Complainant that the information of the Respondent in the Complaint was different from the WHOIS information provided by the Registrar. On 23 December 2024, the Complainant submitted an amended Complaint to the HK Office. On 24 December 2024, the HK Office forwarded the amended Complaint to the Respondent. The due date of the Response was 13 January 2025.

On 13 January 2025, the Respondent’s representatives sought an extension of time of 4 calendar days to file the Response. On 13 January 2025, the HK Office granted the

Respondent's request for an extension of time to file the Response, and the due date of the Response was extended to 17 January 2025.

On 20 January 2025, the HK Office informed the Respondent of his default. On 20 January 2025, the HK Office appointed Jonathan Agmon as the sole panelist in this matter. The Panelist accepted the appointment and submitted a statement to the ADNDRC that he is able to act independently and impartially between the parties.

The Registrar confirmed that the Registration Agreement of the disputed domain name is in English.

3. Factual background

The Complainant, Guangdong Qisitech CO., LTD., was established in 2016 and is a developer, producer, and retailer of disposable electronic cigarettes, commonly known as "vapes". Its products are sold under its GEEK BAR brand. The Complainant sells its goods around the world, including Russia, the United States, the Middle East, and Europe. The Complainant states that it has hundreds of millions of customers globally.

The GEEK BAR brand was created in 2015 and is one of the most popular lines of disposable vapes available on the market. The Complainant employs over 100 senior engineers in its R&D department, and has spent £120 million on a new production facility in Guangdong, China, which will be expected to be completed within two years' time.

The Complainant has a strong presence on social media and has amongst the largest number of influencers. The brand has been widely promoted and is well known to the relevant public.

The Complainant is the owner of various trademark registrations for "GEEK BAR", including the following:

- 1) International trademark registration No. 1676896, registered on 8 June 2022;
- 2) U.S. trademark registration No. 6275589, registered on 23 February 2021;
- 3) European Union trademark registration No. 018225081, registered on 26 August 2020;
and
- 4) China trademark registration No. 45380452, registered on 7 January 2021.

The Complainant's official domain name is <geekbar.com>, registered on 30 September 2006.

The disputed domain name was registered on 18 December 2023.

The Respondent did not submit a response to the Complaint.

4. Parties' Contentions

A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The disputed domain name contains the Complainant's "GEEK BAR" trademark in its entirety with the addition of the generic term "vape", and generic Top-level Domain ("gTLD") ".com". The disputed domain name is therefore confusingly similar to the Complainant's trademark.
- ii. The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant in any way. The Respondent is not commonly known by the disputed domain name. The Respondent has no trademark rights in the name GEEK BAR. The disputed domain name misleads consumers for the purpose of commercial gain, by causing them to believe that there is an affiliation between the Respondent and the Complainant.
- iii. The disputed domain name was registered and is being used in bad faith. Given the extensive use and distinctiveness of the Complainant's trademark and popularity of the Complainant's products, the Respondent must have been aware of the Complainant's "GEEK BAR" trademark prior to the registration of the disputed domain name. The fact that the disputed domain name is identical or confusingly similar to the Complainant's trademark precludes the possibility that the Respondent would have chosen the disputed domain name by chance. The disputed domain name resolves to a website that displays the Complainant's "GEEK BAR" trademark, along with content that deliberately imitates the Complainant's GEEK BAR brand for profit. If the Respondent was unaware of the Complainant prior to registering the disputed domain name, he could not have operated his website with the same content as the Complainant's official website. Therefore, the Respondent must have been aware of the Complainant and its "GEEK BAR" trademark at the time of registration of the disputed domain name.

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 Complainant has shown it has the rights to the "GEEK BAR" trademark through registration.

The disputed domain name <geekbarvape.com> comprises the Complainant's "GEEK BAR" trademark in its entirety with the addition of the generic term "vape". The addition of the

term “vape” does not prevent a finding of confusing similarity under the first element. (See Section 1.8 of the *WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”)*). The term “vape” is in fact descriptive of the kind of products sold by the Complainant and further adds to the confusing similarity between the disputed domain name and the Complainant’s trademark.

The gTLD “.com” is irrelevant to the consideration of the issue of identity or confusing similarity as it is a standard registration requirement.

The Panel therefore finds that the disputed domain name is confusingly similar to the Complainant’s “GEEK BAR” trademark.

The Complainant has satisfied 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.

There is no evidence that the Respondent is affiliated with the Complainant or that the latter has licensed or otherwise permitted the Respondent to use the Complainant’s “GEEK BAR” trademark. There is also no evidence showing that the Respondent is commonly known by the disputed domain name. The Respondent has not provided any evidence that it has obtained any trademark rights in GEEK BAR or is commonly known by the disputed domain name. The disputed domain name resolves to a webpage that prominently displays the Complainant’s “GEEK BAR” trademark and purports to sell goods bearing the Complainant’s “GEEK BAR” trademark. This impersonation of the Complainant and/or infringing and unauthorized use of the Complainant’s trademark cannot confer rights or legitimate interests on the Respondent (See *WIPO Overview 3.0*, Section 2.13.1).

The Panel therefore concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name and accordingly, Paragraph 4(a)(ii) of the Policy is satisfied.

C) Bad Faith

The Panel is persuaded in the circumstances of this case that the disputed domain name was registered and is being used in bad faith. There are several indicators of bad faith by the Respondent:

1. The Respondent registered the disputed domain name long after the Complainant obtained its “GEEK BAR” trademark and had used it extensively. It is evident from the Respondent’s website that the Respondent was well aware of the Complainant and its trademark and sought to capitalize on it by registering the disputed domain name.

2. The Complainant provided evidence that, at the time of filing the Complaint, the disputed domain name resolved to a webpage that prominently displayed the Complainant's "GEEK BAR" trademark, and offered for sale vapes bearing the Complainant's "GEEK BAR" trademark.
3. The disputed domain name is almost identical to the Complainant's own domain name, <geekbar.com>, differing only by the addition of the term "vape".

Having considered the totality of the evidence, the Panel concludes that the Respondent had intentionally attempted to attract, for commercial gain, Internet users to his web site by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of his web site or location of a product on his web site or location (Paragraph 4(b)(iv) of the Policy). The Respondent did not submit a Response, from which the Panel draws a negative inference.

The Panel therefore determines that the disputed domain name was registered and is being used in bad faith.

Paragraph 4(a)(iii) of the Policy is therefore satisfied.

6. **Decision**

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



Jonathan Agmon
Sole Panelist

Dated: 24 January 2025